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WERNER STARK

Ideologies around the Problem of World Organization

In the last sixty or seventy years, the attitude of the educated classes to the problem of world-pacification and world organization has undergone a decisive change. By the turn of the century, the prevailing opinion was still the conviction that the modern nation, incarnated in the modern nation-state, was the end-point of all possible development, an 'ultimate' as it was sometimes expressed in sociological and political jargon. It is not surprising that this attitude was wide-spread and passionately held in countries such as Germany and Italy because they had achieved national unification only in 1871 and were still under the overwhelming impression of this triumphant realization of age-old ambitions. But even in sober England similar opinions held sway, and not only among the jingoists who accompanied the Boer War with their raucous cries. Herbert Spencer was no jingoist; indeed, he was a radical internationalist and humanitarian; and in his social thought he was basically an organicist and evolutionist, believing in the progressive coordination of discordant forces and formations. Yet even his hopes for the future were somewhat limited. He did not expect that a world-state would be achieved. All he foresaw was the emergence of a small number of large empires, perhaps five, which might drift into a stable and abiding equilibrium — an equilibrium which could mean a final pacification of this globe. The forecast was optimistic enough; there would be few of us who would be unwilling to settle for it. Yet the fact remains that Spencer's prophecy predicted for the world only a mutual accommodation among the nations and not their fusion in a supra-national community.

Something of this belief in the nation as an ultimate has sur-

vived to the present day, yet the more advanced circles among the intellectuals at any rate have progressed beyond it. After 1918, it was confidently expected that the League of Nations would be successful, and this hope was later, after 1945, transferred to the United Nations. Unfortunately, this new and more positive attitude was as little based on rational analysis of the potentialities and problems involved as the old nationalistic or nation--centred conservatism. Both opinions are essentially ideologies which should be mercilessly dissected and exposed, if found wanting. If the earlier ideology failed because it assumed that no decisive step could be taken towards world-integration, the later spread delusion because it suggested that, given a minimum of rationality, such a step was easy. The truth, it would appear, lies somewhere in the middle, as it so often does. The conviction that no advance is possible beyond nationhood had its ultimate roots in a wrong sociology, in a kind of biologism, which believed that nations were essentially races created by natural evolution and as little capable of a merger as dogs and cats or tulips and carnations. This social 'science' is unsound because it does not see that nations are creations of culture rather than of nature, and therefore, like all cultural phenomena, pliable and changeable. The contrary assumption, namely that an advance in the direction of final world-organization is easy to achieve, has its basis in an equally wrong sociology, a kind of mechanism, which takes the view that the buildings-stones of reality are like the elements of a mechanical game which can be taken apart and then assembled in any manner which we might happen to fancy. Again, this social 'science' is unsound because it does not realise (or wish to realise) that the formations of culture are characterised by a high degree of fixity and can be transformed only through spontaneous growth and not by artificial manipulation. If world-pacification is to come, it must come out of the truth. Ideologies, however well-intentioned, will assuredly not help.

How much the whole discussion of world-ordering is bedevilled by ideological conceptions can easily be seen from one term which is in universal use, the term 'international law'. The word 'law' can be defined in two ways, one wider, one nar-

rower. Law in the wider sense of the word is the sum total of all the rules and regulations which coordinate human actions in society. Thus understood, it includes custom and usage and mores and morals in so far as they are really adhered to and honoured, as well as law in the narrower sense of the word. Law in the narrower sense of the word, taken by itself, is the sum total of the commands which are enforced by appointed law enforcement officers —policemen, judges, jailers, and other similar public functionaries. Clearly, there is an undeniable specific difference between the two kinds of norm, a dividing line which cannot be overlooked. Yet, when it comes to a discussion of so-called international law, the two types of norm are invariably confused. International law is, properly speaking, merely-custom and usage; there is behind it no irresistible force that would see to it that it be obeyed. 'Above sovereign states', said Hegel, 'there is no praetor' — and he was right. Others have made the same point more quietly, but, if possible, even more convincingly. In the 'Franconia' case, England's Lord Chief Justice Coleridge expressed himself as follows: 'Strictly speaking, international law is an inexact expression, and it is apt to mislead if its inexactness is not kept in mind. Law implies a lawgiver, and a tribunal capable of enforcing it and coercing its transgressors, but there is no common lawgiver to sovereign states, and no tribunal has the power to bind them by decrees or coerce them if they transgress. The law of nations is — we are entitled to interject: merely — 'that collection of usages which civilised states have agreed to observe in their dealings with one another'. The words of the Earl of Birkenhead, in his famous textbook, are even more pungent: 'No analogies, however striking or numerous, between international law and law proper can blind us to the impassable gulf which divides them. Nor has the absence of a superior able to enforce obedience to law failed to exercise a weakening influence on the stability of international rules'.

The facts, then, are clear: international 'law' is law only in a vague or improper sense of the word; yet the term is bandied about as if it described law in the proper sense of the word. The sheep appears in the wolf's clothes. Those who have made use

of this equivocation have often, nay regularly, been men of good will. Their endeavour was, by fixing the label 'law' (which always suggests full law) to a bundle of usages (which are never more than half-laws), to give to the latter something of the strength, the compulsiveness, of the former. It is impossible not to sympathise with this tendency; yet it is difficult to agree that this is the way to promote it. The more the attempt succeeds to make the body of international custom appear powerful, the weaker will be the will to provide it with real power: why should one bother to give it what it seems to possess already ? Delusion, however well-intentioned, is and remains a source of weakness to the best of causes. The truth may reveal a thousand and one unsuspected difficulties, but it will always be salutary: the knowledge of the barriers will engender the determination to overcome them as nothing else will — or can.

It is in the same spirit of constructive criticism in which we have just discussed the concept of international 'law' that we must approach the proposition, so widespread and so alluring, that the transition from a world dominated by power-politics and riven by national jealousies and nationalistic conflicts to a world integrated in a pacific system of cooperation and co-ordination will be relatively easy. If we analyse this order of ideas, we find that it is composed of three strands or ingredients, all of which are ideological in character. It rests, firstly, on a general theory of progress — on that evolutionism which has not died with the nineteenth century which spawned it, but continues to spook in the heads of all the semi-educated and even of some of the highly educated. This theory of progress is essentially a pseudo-religion, substituting History for God (see Hegel; see Marx) — playing with the monstrous idea of a 'becoming god' — and drawing from it that faith and hope which only true religiosity can really give. In the narrower field here under consideration, the theory of progress has produced two complementary convictions: history leads from smaller to larger units, to wider and wider integration; and history leads from irrationality to rationality, from conduct under the lash of animalic drives to conduct under the guidance of good and clear reason. Both opinions are patently false.

The evolutionary sequence which is sometimes adduced to give substance to the former opinion reads something like this: domestic economy — village economy — town economy — national economy — world economy. There appears to have been constant growth of the integrated and pacified area throughout history along these lines. It is assumed that this growth was not fortuitous, but the outward sign of an inward law. A close view of the facts proves, however, before long that there is no law of this kind, that things went differently from what is here assumed. In the Middle Ages, there were two operative areas of social integration: local society on the one hand, the universal church on the other. We may grant that history has led beyond the confines of narrow localism and local patriotism, but we must also remember that it has broken up the fine world unity of the Middle Ages, the unity of Christendom. We must acknowledge that there has been gain, but we must insist that there has also been loss. The ideologists of progress see only the gain; they forget about the loss. Those among them who are 'scientific humanists' will perhaps argue that the unity of Christendom was a mere figment and not a tangible reality. In order to disprove them, it will suffice, however, to cite the papal award of May 14, 1493, which forced Portugal and Spain to compose their differences and desist from armed conflict. It is doubtful if either the League of Nations or the United Nations ever possessed the authority displayed, on this occasion, by the Holy See.

The other proposition, namely that irrationality has waned and rationality waxed strong through the ages, is, if possible, even weaker and less realistic. It ill becomes a generation like ours that has seen the horrors of Auschwitz and Buchenwald to accuse earlier centuries of cruelty and hatred. In one of the most highly developed countries of the globe, the voice of humanitarianism was silent for a decade and a half; nor are other nations entirely free from disturbing tendencies. It would be by no means unfair to say to those who believe in steady, semi-automatic moral progress: what in point of fact has progressed is not kindness, but the techniques and the organisation of sadism. Earlier generations have witnessed now and then a

dreadful flaring up of mass hatreds: but the flames as a rule died down quickly as they had shot up. What is so appalling about Gestapo and Ogpu is the transmutation of violent emotions into systematic policies of mass extermination. Violent emotions are human, systematic policies of mass extermination are not. Who would not, in face of the gas chambers, wish to be back in the nineteenth or the eighteenth — or indeed any earlier — century ?

Our first basic argument is, then, that the theory of progress, as it is usually understood, is wrong, that history shows neither a clear line of advancement from smaller to larger political units nor yet a steady growth of humanitarian attitudes. But assuming that general progress is a reality — a demonstrable reality — as it undoubtedly is in some fields such as technology, where is the guarantee that it will have enough drive to lead forward right to the desired consummation, the world state ? The concept of evolution has come to the student of politics from the student of nature: but the student of nature must know that every evolutionary effort, as indeed every other effort in nature, is limited. Trees, as an old proverb has it, do not grow into the sky. We ourselves grow only until we are twenty-four, and when we reach our climacteric in middle life, we begin to slide down the hill after having moved up along an ascending line. Wherever we look in the realm of life, we see that involution is as much of a fact as evolution. But our evolutionists close their eyes to involution: it is too unpleasant a spectacle to behold. This is where their second great error has its roots. Not only is there no universal unilineal progress, but even where there is progress, its impetus exhausts itself after a while and gives way to retrogression, whether we like it or not.

It is by no means fanciful to assert that it is precisely the area of international relations which most clearly demonstrates this unwelcome truth, for it shows a marked turning-point from advance to retreat. The year 1871 appears in many ways as a crucial and critical dividing line. Up to that moment the social system known as capitalist society had gone from strength to strength. There had indeed been occasional recessions, but these

had been interruptions rather than reversals of the trend. Now it was different. Capitalism reached and passed its acme. Involution followed upon evolution. The 'long depression' (to use a term of the economic historians) which opened in 1871 brought, not only such phenomena as the start of the cartel movement, the 'new unionism' which organised even the lower echelons of the labour force, and a slowing down of the growth of population, but also a beginning retreat from internationalism in economic affairs. Three developments are particularly significant. There is, first of all, a return to protectionism, and with it, what is still worse, a return of protectionist ideologies. In the fifties, the parole had still been: buy of the cheapest supplier, never mind where he lives and what language he speaks; now the slogan was: trade with your own; protect the home market; look at the label and see whether it does not say 'made in Germany'. The stream of trade no longer moved as freely across the frontiers and the oceans as the trade winds do; and the barriers were soon becoming higher and higher. With the decay of the free movement of goods came also, as a secondary phenomenon, a decline in the free movement of payments. So long as the gold standard held sway all countries which had accepted that standard and built it into their legislation, were to all intents and purposes one currency area. As the world slowly began to split into independent and antagonistic national economies, the gold standard was increasingly represented as an outmoded system, a piece of doctrinaire liberalism at variance with legitimate national aspirations, and in the end this propaganda, supported as it was by deeper tendencies in economic life, gained the upper hand and led to the abandonment of the system which had made it as easy to pay a supplier, or receive payment from a customer, three thousand miles away as from one just around the corner. But — and this is a third significant facet — not only the flow of goods and monies became more difficult, even that of labour met new obstacles, obstacles which the early part of the century had hardly known, and which in the next century were to inhibit, nay prevent, international migration to a very large extent. Even the underpopulated countries closed their frontiers, producing painful

and often unbearable conditions in the overpopulated countries. The League of Nations lost what usefulness it had in the world when Mussolini invaded Abessynia in defiance of its orders; but Mussolini would not have invaded Abessynia if he could have found opportunities for his surplus population somewhere else. Here again we are confronted with a surface phenomenon which indicated great dislocations in the depths of life. It is only a slight exaggeration to say that up to 1871 the nations of the earth had been cooperators rather than competitors, and that after 1871 they were competitors rather than cooperators and friends.

It is foolish, then, to talk as if the tendencies towards economic world-integration (which undoubtedly exist) were unlimited in punch and power. Nobody can say how far they will or can lead. In spite of all assertions to the contrary, the car of progress seems to have got stuck, and it seems well-nigh impossible to dig it out and make it mobile again. Yet even if the flow of goods, payments and persons could once more be made freer than it has been since, say, 1918, a last and tremendous barrier to full world unification would remain which the ideologists of progress have never seen and seem incapable of comprehending: the advance from a multi-national to a supranational world order, from a divided and warlike to an integrated and pacified world, would be different, not only in degree or scale, but in *kind,* from any every advancement achieved in the past, say, the transition from local to national integration. When Béarn, Languedoc, the Picardie and the Bretagne became France; when Württemberg, Baden, Saxony and Prussia became Germany; nay, even when, a considerable time before, England, Scotland and Ireland became Great Britain, not only a new love was born, the love of the greater fatherland, but also a new hate — the hate of the greater enemies of that greater fatherland. Now, that new hate was essential to the rise of the new love: without the former, the latter would never have come into being. This may be an unpalatable fact, but it is a fact all the same. The national (and nationalistic) sentiment of the British, for instance, was very largely the result of the conflict with Spain in the age of Elisabeth I; and as it was

the result of conflict, so it continued and continues to be kept alive and built up by conflict. What would British patriotism be without the experience of the Seven Years' War, the Napoleonic blockade, the Boer War, or the great World Wars ? Needless to say, what applies to Britain, applies to other countries as well. We are simply face to face here with a universal phenomenon called by Georg Simmel 'the negativity of collective attitudes'. It is a matter of common observation that it is easier to unite men in a common hate than it is to unite them in a common love. Those who remember the Christian concept of the Fall cannot be surprised to find that this is so. In our unfortunate age, this insight has even been applied experimentally. It was by offering them a common hate, the hate of the hapless Jews, that Dr Goebbels tried — and we all remember, with what success ! — to unite Germans in a common loyalty. And what would happen to Western integration, so painfully begun and as yet so precarious, if the fear of the Red East were to be removed ?

It must surely be clear what this means for the problem with which we are concerned, the problem of world peace. The transition from the small to the middling and from the middling to the larger political units was comparatively easy because it was brought about by the operation of powerful and, as it were, reliable human emotions, emotions rooted in the deepest nature of fallen man: fear, aggressiveness, greed, and the like. The transition, for which we are all hoping and praying, from a divided to an unified world, on the other hand, could only be promoted and achieved by an effort of love, for, by definition, in the final state there would be nobody who could legitimately be hated or persecuted or oppressed. In view of the essential pliability of the human character it would be wrong to think of the 'negativity of collective attitudes' as a kind of natural law that could not be abrogated. It is being abrogated every day by men of good will. But how difficult is it even to imagine that it should lose its grip on the vast majority of men who are never more happy than when they can abreact their frustrations by blaming them on their fellow men !

We conclude then that the problem of world organisation is

surrounded by pernicious ideologies which have to be removed if it is to be seen in its tremendous magnitude. The stream of history is not driving towards the blessed goal of universal peace: the wind of reality does not waft the ship of humanity forward in this direction. A stable world order will not arise of itself, it will have to be consciously created. And this creation will have to operate with the most recalcitrant of all materials. Little is done by providing diplomatic machinery (though such machinery may, at times, be useful) for what must be transformed, if lasting success is to be achieved, is not dead matter but living men, whose ideas and ideologies are not made, and cannot be unmade, in a day.

Working towards a more practical conclusion, we may finally ask at what point a breach in the wall of ideologies can best be made through which sounder and saner ideas may perhaps be enabled to enter into the mental make-up of the human race. Now, the weakest assumption in the complex of errors which we want to combat here is undoubtedly the widespread conviction that world peace is a commodity which may be acquired without paying a price of any kind for it. Only too many are prepared uncritically to believe that a pacific world order can somehow be added on to the hate-and-war-divided world in which we live today, without touching the hate-and war-inspired ideologies and institutions of the modern nations, more specifically without infringing the principle of national sovereignty. Against this delusion which blocks the road towards a happier future, the laws of logic must be ruthlessly asserted. It is, by definition, impossible to combine an effective international controlling agency with the existence of independent — that is to say, uncontrollable — power states. If a firm international order is to arise in the world, national independence must decay and disappear. Much would be gained if this simple truth could be made to penetrate to men's centre of consciousness. But it is not only the hardness of men's minds that has to be overcome: it is also, and even more, their hardness of heart. To this fine purpose, the pages of 'World Justice' are devoted. May their message be like the good seed that falls on fertile and well-prepared ground.

ANDREW SHONFIELD (1)

The Attack on World Poverty

The assumption on which this article is based is that there is now wide-spread agreement about the need for a bigger effort to raise living standards in under-developed countries. The following is concerned solely with ways of making economic aid more effective and getting more of it.

Development Problems (2)

Social and political factors present obstacles to economic development which must be taken into consideration. It must be accepted that there are certain countries where an effective use of foreign economic aid on a large scale to further the process of economic development is not feasible at the moment, and this obstacle is often a political one; it may also be educational, cultural or technological. For this reason, the import of a large additional amount of foreign capital is not justified. There are only a few countries at the moment which are ready to absorb a lot more foreign exchange to achieve a marked increase in their rate of economic growth, in the short term, and total economic independence in the long term. Let me identify straight away three countries which seem to be in this position — India, Mexico, and Brazil — there are others, but

(1) This is a summary of the argument of my book, *The Attack on World Poverty,* (London, Chatto and Windus), which has been made with the help of Father Arthur Mc. Cormack of *World Justice,* to whom I am indebted. For the sake of brevity, most of the illustrative material on the concrete problems of aid has had to be omitted; its presence would, I hope, make some of the assertions appear less bald, categorical and unsupported than they now appear to be.

(2) It is planned to publish a similar summary of the second part of Mr. Shonfield's book - *on Investment* - in a subsequent issue of *World Justice.*

these are the largest and most obvious candidates in the field at the moment. In economic development, we must frankly accept the principle of unfair shares.

At the moment money is very tight. It may seem a harsh police to back the obvious winners; and, in estimating the amount of capital needed for the undeveloped countries, one must always keep in mind the proviso that the amount is not intended as a measure of the human requirements of upwards of a thousand million people who are living well below what most of us in the West would regard as the extreme limit of immeasurable poverty. If one were considering aid in terms of simple charity, there would be no practical limit to the billions which could be usefully donated to provide them with food, clothing, and shelter, but the task to which I am addressing myself is not the cost of alleviating misery here and now, but of creating with the maximum speed the conditions for spontaneous and rapid economic growth in as many countries as possible.

While there is a shortage of funds for this purpose, it is essential that the operation should be conducted with the minimum of waste and the criterion to be applied in choosing the countries is that the 'yield' on the capital put into them is not markedly below the standards set in countries which are already developed — the 'yield' being measured in terms of the extra output which the investment produces, not the profit from it. All the same, while the main stream of economic aid must be guided by these business like criteria, it is hoped that we do not become so exclusively obsessed by the problems of economic growth that we forget about the ordinary demands of charity altogether. Poor people have to be helped even if they refuse to grow, and, as I shall show, the less promising economies can often be helped by aid on a much smaller scale.

Unfair Shares

There is a lot more money going into the under-developed countries to-day than ever before. Total private investment,

American and European, in the under-developed countries has increased to close to 2 billion dollars a year. The outflow of funds from the Soviet Bloc also to under-developed countries has been growing rapidly since the mid 1950's. Adding together all forms of public and private aid, the total for 1958, for example, according to the best available estimates comes to some 5½ billion dollars ([3]). On the face of it this is a very substantial figure; its value is equal to the cost of one-fifth of all imports into the undeveloped countries. The trouble is that these global figures conceal some extreme concentrations of capital and economic assistance at a few points in the under-developed world and some wide areas which are very bare and bleak.

To obtain a clearer picture of the flow or resources into the main body of under-developed countries, that is within the area which contains the great bulk of one thousand million odd people living in poverty outside Communist countries, it is necessary first of all to separate off the five main oil producing territories — Saudi Arabia, Iraq, Persia, Kuwait, in the Middle East — plus Venezuela. The combined population of these countries is under 40 million and they are the beneficiaries of foreign investment on a scale quite out of proportion to their numbers. On the same principle, a few countries on the periphery of Asia, who, because of their strategic position, receive an exceptional large share of American aid, ought to be treated separately. Viet Nam, Laos and Cambodia with a combined population of some fifty millions received in 1958 altogether some 700 m. dollars of American economic aid. Next, we should take off the amounts that have to be paid back each year by the undeveloped countries to the developed ones on the investments already made in their territories; this is a substantial sum. Profits and interest due to investors and various private enterprises in the undeveloped countries come to around 800 m.

([3]) These figures which are derived mainly from World Bank sources ought to be revised upwards, adding a few hundred million dollars to the total of long-term capital, in the light of the new and more comprehensive study on the subject recently completed by the O.E.E.C. The central argument presented here about the relatively small proportion of the total which flows to the areas of greatest need is not affected.

dollars a year. To this must be added the cost of servicing a portion of their public debt which is owed to foreigners; interest and principal repayments on these loans amount to another 800 m. dollars or so annually. After all these deductions, we are left with a figure of just on 3 billion dollars. The greater part of this money, it is to be observed, is derived from public funds; the net contribution of private investment after the deduction of servicing costs is comparatively small.

Soviet Aid comes generally in the form of loans at $2\frac{1}{2}$ %. Starting in earnest about 1955, Soviet offers of aid built up from year to year until the total had reached some $2\frac{1}{2}$ billion dollars by the end of 1959. The actual amount of Soviet money disbursed so far lags well behind the rate at which new committments are being undertaken. The indications are that the actual outflow of Soviet aid received by the undeveloped countries was around 200 million in 1958, increased to 300 to 400 million dollars in the subsequent year.

War reparations from Germany and Japan provide a useful addition to the funds available to the development, but again, the 180 million dollars coming from Germany is heavily concentrated on one single country with a small population — Israel.

It is extremely difficult indeed to isolate and identify that portion of Western capital and economic aid to under-developed countries which makes any significant contribution towards raising the material level of the mass of people living there. A few favoured places with white settler population like Algeria and Rhodesia absorb an unduly large share of the capital moving out of Europe. These are not in the nature of the case of the areas of mass poverty where upwards of one thousand million people are pressing with increasing urgency on the means of subsistence. In the central area of the struggle, the broad flow of international capital and aid which looked so impressive at the outset is reduced to a trickle. Professor Richard Gardner of Columbia University estimates that, excluding Latin America, there is 'a total annual capital flow of little over one billion dollars to the uncommitted, non-oil producing under-developed areas of Asia, the Middle East, and Africa'.

Latin American Problems

In this region, income per head, although low enough, is significantly higher than in Afro-Asia; also, there is nothing like Asia's problem of over-crowding on the land, there are still great spaces waiting to be exploited. By comparison with Africa, most of the Latin American countries have the advantages of a much more numerous educated class. Finally, the Latin Americans in recent years have been favoured recipients of much priority in capital investment. Argentina, Chile, and Uruguay make strange studdies in the theory of frustrated development. In terms of income per head, they are much the most advanced countries in the whole of Latin America, but during the 1950's, while they stayed still, Brazil and Mexico forged ahead. For the rest, the problem of Latin America is essentially that of some agricultural slum areas in places like Bolivia and Peru. There are some of the most miserable living conditions in the world, but this is a hard core problem affecting the population of perhaps ten to twenty million people, which would be expensive to deal with and almost certainly take a long time. In the scale of priorities, it cannot be given the same precedence as India and the extra one hundred million mouths that will be waiting to be fed there within the next ten years.

I would justify the proposal to give advantages in obtaining economic aid for development to whole peoples like the Mexicans and Brazilians partly on political and partly on straight practical grounds. Our intention in the West is to present these countries with a working alternative to the Communist technique of achieving rapid development. The under-developed countries want to repeat the trick which the Russians taught the world first of all, the construction during two or three decades of austerity of a powerful advanced capital goods industry, followed at the appropriate stage by a sudden and glorious burst of consumer pleasures. What we have still to demonstrate is that the under-developed countries can follow

the same basic time-table and yet avoid the excesses of tyranny which seem inevitably to accompany the early stages of Communist Industrialisation.

Communist Advantages

The Communists have several important advantages in managing the affairs of under-developed countries. To begin with they impose total mobilisation and total discipline of labour. This is a decisive factor in economic development — at any rate, in the overcrowded countries of Asia which make up three quarters of the population of the undeveloped world, where labour is plentiful and almost everything else is scarce. The Chinese regime sets out deliberately and brutally to substitute surplus labour for scarce machinery. Moreover the Communists through their ability to fix wages by fiat, after having supressed any independent trade union organisation, can squeeze a much larger volume of savings out of the community. Consumer goods industries are not allowed to compete for scarce supplies of steel and other metals; capital goods are given absolute priority. The method, if it is to be completely effective, requires a political tyranny. The Communists have also the advantage of being able to promise political stability within the same broad framework from some years ahead. This is most important for effective economic planning.

The rooting out of the old class of landowners (who instinctively resist the new technology and methods of doing business) in one violent wrench, means that they are no longer capable of using their wealth and social dominance to slow down the pace of innovation. In a non-Communist society, a weak middle class without social self-confidence has to try and do the same job in co-operation with the army or one of the other traditional carriers of power in the community.

Considering all the advantages of Communism, it might be thought that the wisest or perhaps the most generous course would be to let the under-developed countries get on with it and go Communist. The real objection to that is that the moral and political damage done to a nation by being pushed through

the Communist mangle is of a lasting character. There is however, no justification for running to the opposite extreme and trying to use economic aid as a weapon of the cold war, otherwise the West is likely to be the permanent object of blackmail by all the least worth-while and most oppressive governments. But without being a cold-warmonger, one may reasonably wish to demonstrate by a series of successes in the under-developed countries that an alternative to the Communist path is open, indeed, be desperately anxious to make this point in order to deter those societies which are now emerging into the modern world from doing themselves profound damage. The West just has to keep a sharp lookout for the chance combination which offers the opportunity for economic progress, and then promptly give the help that is needed to bring it to fruition. Thus a limit is set, on grounds of political expediency, to the candidates for large-scale assistance from the West. There are in any case compelling practical considerations in favour of concentrating economic aid in this way, since only a limited amount of public funds are available for investment in the under-developed countries, and so there is a strong case for putting as much as possible into the places where it is likely to make a significant impact on poverty.

Only a few governments have so far thought out anything like a rational order of priorities for economic development. That is why the emphasis on pre-investment activity is one of the really useful developments of recent years. The idea is that people should be encouraged to spend more money in preparing the ground before they import a lot of capital for a project; for instance, in measuring as precisely as possible the return that they are likely to get from this project compared with other alternatives; in training local technicians and managers who will be capable of operating it; in studying the implications of the project in terms of the demand it will make on other economic resources, and so on.

The U.N. Special Fund

In 1958 the United Nations Special Fund was set up under

the direction of Mr. Paul Hoffman to deal with this set of problems. Its experience to date has already revealed a large amount of work waiting to be done in bringing projects to the stage when an engineer can be called in to prepare a blue print for investment. It must not be thought however, that pre-investment and investment activity are to be regarded as distinct mutually exclusive phases of a country's development. Pre-investment work may be required in one field, while in some other field, a large amount of investment capital is already being absorbed. This is the case in India. The practical point is that it is not sensible to try to invest in a country on a *large scale* until it has done the preliminary work of measuring its resources and training its basic cadres of skilled man-power. This is the point that India has now reached. But Pakistan, for example, is not yet there, nor, indeed, are any of the other countries in South Asia. They are still in the phase where the main emphasis must be on pre-investment. That is not to say that these countries cannot usefully absorb quite substantial sums of capital for a number of investment projects and show good returns on them.

There are thus a number of countries which still have to be pushed quite some distance before they are ready to cross the threshold leading to rapid economic development. It is indeed forunate that the problem of finding the money to equip the under-developed world does not all come in one swoop, and countries' needs must be judged on the basis of what kind of outside assistance they are able *to use at different stages of growth*. For pre-investment work does not usually cost very much; the amounts required are measured in millions rather than hundreds of millions of dollars. Nevertheless, as a country becomes more familiar with the systematic approach to pre-investment work the funds needed may be considerably larger than the creators of the United Nations Special Fund originally expected. Mr. Paul Hoffman has set a target figure of 150 million dollars for the combined requirements of the Special Fund and the United Nations Technical Assistance for 1963. This may be compared for size with the current foreign

capital needs of India alone in its current investment plan — one billion $ a year.

It is only when the job of pre-investment has been successfully done, that economic aid to the under-developed countries becomes really expensive. With luck and good management, this is the stage which should be reached in a number of Asian and Latin American countries by the middle and late 1960's — Africa may take longer. What we have to envisage is that the need for large drafts of capital and economic aid will grow substantially in the next four or five years. At the moment it is only very few countries, with India at the head of the line, which urgently require big sums for immediate use in productive investments, and the odds are that India will contiue to be acutely short of foreign exchange for the next decade, as there is not likely to be the same quick growth of Indian earning power abroad as, for example, in Mexico's case.

Approach to Economic Independence

It is the weakness of the under-developed countries as exporters during the 'take off' which makes the attempt to force the pace during the 1960's exceptionally difficult. This desire to force the pace is motivated by humanitarian reasons, but the over-riding practical reason is the population explosion.

There are two complications which follow; first, the low income countries cannot afford to be modest in their investment programmes — their import bill for capital equipment will be exceptionally heavy in the next few years because they have to make haste to increase their productive capacity before the next generation catches up on them, second, many of them will almost certainly go through a period in which they are dependent on large imports of food.

Traditional agriculture is extremely resistant to the advance of modern technology, and therefore supplies of food cannot be expected to grow at anything like the rate of industrial production.

The question is not so much whether a very large increase

of exports is feasible over a short period of time. The export market for traditional primary products of the under-developed countries has been growing much more slowly than the rest of world trade. Because of the increasing use of man-made materials, the rate at which the demand for natural raw materials increases is less than the rate of industrial expansion achieved in the developed countries; this is one reason why the gap between the living standards of the developed and undeveloped countries keeps on increasing. It has an indirect effect on prices also. The drop in commodity prices in the 1957-1958 recession alone combined with the simultaneous rise in the cost of the industrial goods which undeveloped countries import, is estimated to have cost over 1½ billion dollars in twelve months. This is not far short of the total sum of private capital received by the undeveloped countries.

In recent years, weak commodity markets have been accompanied by a sharp increase in the flow of public and private funds to undeveloped countries. It is now greater than ever before. That too raises the problems. It is a pity in some ways that the under-developed countries have started to worry seriously about their ability to repay loans, just when the developed countries have worked themselves up to the point where they were willing to lend them a lot more money. But the dangers of borrowing too much are real enough.

Consider, for example, the arithmetic of India's Third Five Year Plan, beginning in 1961. The trade deficit during the next five years will average an amount equal to roughly two-thirds of India's export earnings to-day. Assuming that the Indians manage to increase export sales during the coming five years so that the figure of the annual deficit is reduced to one half of the value of their export earnings, this would still mean that by 1966 the debts accumulated over the Third Five Year Plan would amount to 2½ times the value of the country's enlarged export trade. Suppose these loans were at 5 %, repayable over twenty years, India would have to find each year a sum in foreign exchange for interest and principal repayments together equal to 10 % of the total amount borrowed during the five year period. In other words, the annual cost of servicing the post-

1961 debt would absorb 25 % of exports; but by 1961 India's load of debt servicing obligations on the money borrowed for the second Five Year Plan would already be absorbing over 10 % of export earnings and this has to be added on, so that the total figure required by the end of the Third Five Year plan would be nearer 35 %.

Since India after all is an undeveloped country this is just not a practical proposition. Even if India gets all the capital that she requires from abroad to carry through its Third and Fourth Five Year Plans, it seems unlikely that the balance of payments deficit will be eliminated before 1970. We must be prepared to subsidize India pretty heavily with foreign exchange for the next decade, because of her inability to earn all that is needed by exports, though it is reasonable to hope that the need will be for smaller amounts towards the end of the decade than at the beginning.

Trade within the Undeveloped World

One way in which under-developed countries could relieve pressure on their balance of payments is by trading more amongst themselves — surplus production of a commodity runs to waste in one country while in another people go short of it, because the mechanism of exchange fails to function efficiently. A lot more food could and would be grown in the great surplus agricultural area of Asia, which runs from Burma across the south east Asian peninsula, if there were an assured market for it. Indeed, these nations should be encouraged to engage in barter trade whenever this helps them to put their actual or potential surpluses of production to some useful purpose. The International Monetary Fund is against this line of approach, because it regards it as a sin against the principle of untrammelled multi-lateral trade with equal freedom for all exporters to enter a market.

The problem these poor countries have when they try to push through these purely doctrinal obstacles is seen most clearly in the attempt of Latin American countries to create a regional trading bloc within which they would exchange their products

free of import restrictions and tariffs. As part of this scheme it was proposed in 1959 that Latin America should set up a Payments Union on the lines of the European Payments Union which, until its demise at the end of 1958, played such a big part in keeping trade moving in Western Europe during a period of the 1950's when many of the national currencies were in trouble.

The aim that has been set out by the Economic Commission for Latin America is rather more than a ten-fold increase in intra-Latin American trade by 1975. This is almost certainly too sanguine, but even if it were achieved, it would still be only a little over 40 % of the total trade of Latin America. West European trade today is nearer 50 %. On the face of it, it would seem that Latin America with its variety of climates and natural resources would offer in the long run much more scope in the exchange of goods than the compact industrial area of Western Europe. The political decision is primary; that was the experience of the European Common Market. Once the political base is established, business-men begin to act as if the projected trading system were already in existence, shaping their investment plans to take the maximum advantage of it.

The difficulties of making any kind of equitable distribution of national benefits in the development of a region containing several countries appears in acute form in a subsidary scheme of Latin American Common Market — the Central American Integration Project which aims to bring together the five Republics inhabiting the area between Mexico and Panama, Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica, in a joint programme of development. The combined population of the five countries is around 10 million and there would be little scope for the establishment of modern large scale industries, if they had to rely on an outlet in any single national market. It has been agreed in principle therefore that investors in new industries shall be granted freedom of trade with their products throughout the whole region. The difficulties in Central America however, do suggest that the answer to the problem of trade between backward countries does not lie in a fully-fledged

system of integration on a common market basis. The trouble is, that the only respectable way in which nations are allowed to give commercial favours to one another nowadays is by going through the form of creating a common market or a free trade area. These are the methods laid down in the post-war international treaty on the rules of commerce — the General Agreements on Tariffs and Trade (GATT). The GATT's chief aim is to achieve equality of treatment for the exports of all nations. It sets out to prevent anyone from applying differing tariffs on the same goods because they come from different countries. The only exceptions recognised are the old colonial preference systems of which the most important is British Imperial Preference. It must be remembered that the GATT seems a sensible way of dealing with the trade of the developed countries, but it has nothing to do with the question of how the under-developed countries ought to organise their trade among themselves in order to face a pace of economic development that was never even considered when the rules of the GATT were being drawn up. It is unfortunate that the most promising technique for stimulating trade among the under-developed countries, the exchange of special trading favours, particularly lower tariffs, among a group of countries with the aim of creating new markets for one another at the expense of outsiders, is frowned on by the GATT.

ECAFE (Economic Commission for Asia & the Far East)

Unfortunately in Asia there is nothing comparable to the ECLA not even ECAFE. The Asians have no common language, and the Indians and Japanese are deeply distrusted by the other nations. It is no use trying to solve the problem of trade in Asia by some grand comprehensive formula. Progress can only be made by piecemeal bargaining among countries which have been convinced that there is a prospect of making solid gains by trusting one another — to a limited extent. The aim should be an arrangement which will encourage the Burmese for example, to take more Indian manufactures, even though they may be of poorer quality than the equivalent Japanese or

Western products, in return for an assured market in India for more Burmese exports of rice. There is, however, the real danger that a series of competitive trade agreements arrived at between pairs of under-developed countries in Latin America and in Asia would produce more commercial strife and political quarrels than useful business. That is why the United Nations Regional Bodies like ECLA and ECAFE are so important. What is required is an organisation which is expert enough and sufficiently well informed to make a job of co-ordinating a series of bi-lateral deals. The first step is to get a new set of trade rules endorsed by the GATT to meet the needs of the under-developed countries. The Western nations must be prepared to encourage new forms of preferential trading arrangements among the Asian and African countries instead of standing aside in an attitude of stern disapproval.

Counting the Cost.

Even if the under-developed countries make a successful effort to stimulate trade amongst themselves, they are still going to need more capital from outside — how much more ?

There are two problems to be considered before this question can be answered. First of all there is the need for foreign capital which arises because a country is too poor to save enough to meet its own investment needs. In this case the role of economic aid from abroad is simply to conduct a holding operation while the national income of the country rises to the point where its own savings will support an investment effort on a scale sufficient to ensure a steady rise in the standard of living. This means in practice raising the savings level from 5 % of the national income — this is about the rate at which societies at a primitive economic level save — to 10 % to 12 % of the national income. The reason why economists think in terms of a target of 10 % to 12 % for investment is that they are looking for an output increase of 4 % a year which they reckon this will give. Obviously about 2 % would be absorbed by the annual increase in population (rather more in some regions of the under-developed world), and the remaining 2 % would

go partly to raise the level of investment each year partly to improve the standard of living.

If the whole of the residual 2 % could be devoted to investment, the share of investment in the national income would continue to rise fast. In the absence of totalitarian rule, it is inevitable that a portion of any increase in the output of a society will go into clothing and feeding the people better. This is one reason why it is hard to push up the rate of saving rapidly in an under-developed country, which is not subject to a totalitarian system. India has during the 1950's achieved a saving of 7 % to 8 % of national income. In this time the Indians have been able to maintain their rate of investment at a higher level than their domestic savings, because the equivalent of another 3 % of the national income has been supplied in the forms of loans and grants from abroad.

However, providing a supplement to domestic saving is not the sole function of foreign aid. There is a second aspect, the problem of capital requirements of the under-developed countries, a specific need for certain types of capital goods and materials which cannot be physically produced at home in the short run covering the critical years of growth. Savings by themselves do not suffice. Even by the end of the Third Five Year plan, the Indians will not be in a position to pay out of their export earnings for the considerable imports of capital equipment which would still be required as well as to meet the debt service charges on the large sums borrowed in the preceding years. It is therefore impossible to put a definite term to the period during which developing countries will continue to need foreign economic aid to meet the deficits in their balance of payments, even after their rate of saving has reached a respectable level. The need for much economic assistance to India is unlikely to be eliminated before the 1970's.

In the two most promising Latin American countries, Mexico and Brazil, the gap in the balance of payments ought to be closed earlier, say by the second half of the 1960's. The hope is that Mexico will be by then in a position that Japan, for exemple, is to-day, and Brazil will not be far behind. But it seems inevitable, however sucessful the Mexicans and Brazil-

ians may be, that the queue of special cases needing generous help to be brought over the threshold will increase much faster than the number of those passing through to move forward under their own momentum on the other side.

The need for assistance from abroad to meet the foreign exchange deficit during the Third Five Year plan of India 1961-1965 is estimated at about 1,100 m. dollars a year, exclusive of aid in the form of large consignments of American surplus food supplies. During the 1950's the Indians were able to cover part of the expenses of the Second Five Year Plan, partly by using up their foreign exchange reserves left over from British rule, and partly by obtaining short term credits from their foreign suppliers, but this they will not be able to continue. At best, a fresh lot of short term credits will be made available by India's creditors to pay off the instalments on the old ones as they fall due. But none of this will help to finance the buying of new goods and services for the Third Five Year Plan, only to stretch out payments for things already supplied under the Second Five Year Plan. All told the funds received by India in long term credits and grants other than American surplus food during the late 1950's came to around 600 m. $ a year. The extra amount which is required to sustain the higher rate of investment in the development of Indian industry during the next phase is therefore some 500 m. $ a year for five years.

The problem of estimating capital needs is not so readily definable for either Brazil or Mexico — there is no comprehensive plan of development in the Indian sense. Brazil and Mexico start from a level of *per capita* income to-day which is three to four times as high as the Indian. In the early 1950's when coffee boomed, net investment in Brazil amounted to 11 % — 12 % of national income, but it was not possible to maintain this when the boom ceased. The immediate aim for the 1960's should be to regain at least that level, but to do so Brazilians will either have to find some way of taxing themselves far more effectively in order to produce the extra funds or will have to try to borrow them from abroad. Even if they manage to force up the level of domestic savings, they will

need to supplement this by drawing on outside sources of capital on a much lager scale than they have been able to do of late.

In the last years of the 1950's, Brazil was in fact obtaining no net contribution to its capital needs from abroad. Short term foreign debts tied up the country's foreign exchange, its borrowing power was damaged by quarrels with the World Bank, International Monetary Fund and the American Treasury, and inflation at home (used to provide resources for the investment programme) had got out of hand. The problem is to make the transition from the present highly inflationary method of financing development to a normal budget and stable currency without causing a drastic drop in investment. That will require initially a large amount of capital. How much foreign capital will be needed to provide the equivalent of an extra 3 % of national income to add to investment? Something in the order of 350 m. dollars would be necessary. It should be observed that even at this higher level the rate of investment in Brazil would still be well below Soviet standards. There is however, much that the Brazilian Government itself could do to mobilize internal resources for investment more effectively.

A thorough overhaul of the tax system would undoubtedly yield big returns both in Brazil and Mexico. The problem is to find men sufficiently expert and incorruptible to do it, and politicians with enough power and courage to back a thorough going project of tax reform all the way through. To make some sort of a beginning towards meeting the crying need for a less brutally unequal distribution of income is something which these two Latin American countries must undertake sooner or later.

There is a strong case for taxing the Mexican capitalists more effectively. Mexico has reached the stage when the requirement of growth is not just a high level of saving, but also a mass market for products of consumer industries, and the private enterprise operating in the country is neither of the type or on the scale necessary to carry through the next phase of industrialisation. The capitalists of Mexico are used to extraordinarily high profits made very quickly and are therefore not

prepared to invest in large scale enterprise of modern industry where there is a long period of waiting until there is a return on investment. The task of pushing through the process of industrialisation to a fully successful conclusion requires a concentrated input of capital on a large scale into certain key sectors of the economy. There are no official estimates of what this might cost. What is clear is that the Mexicans after a period of sucessful development during the war, based on a combination of new agricultural crops and the development af a number of secondary industries, have still to make a major effort if they are to turn themselves within the next few years into a modern industrial society. Because the effort probably requires at one and the same time a wider spread of consumer benefits, and an increase in the volume of investment in new forms of state enterprise, the country's resources will be stretched and the external balance of payments is likely to come under strain. For these reasons foreign economic aid will be required. This would mean an extra 200 million dollars or so a year to be obtained from abroad for a brief but possibly explosive period of intense economic development.

India, Mexico, Brazil, then, seem to require sums which added together amount to rather more than one billion dollars a year. Fortunately there are no other demands of this size immediately in prospect. I must emphasis that the figure of one billion *plus* is intended only as a starting point for arriving at an order of magnitude of cost. Besides staking out these individual claims for the largest countries which are standing ready to go right ahead does not mean that the backward and less promising areas are to be denied the benefit of capital investment altogether. Concentration of massive sums in the areas which seem likely to produce the quickest returns still leaves us with the problem of finding money for important slowly maturing projects in other regions which are far behind; this is particularly true of Africa.

Africa needs

So far African development programmes have concentrated overwhelmingly on the creation of the first layer of the sub-

structure which is required to support a modern society; four-fifths of the expenditure under the various development plans is going into road and other basic facilities and into social services. So long as this situation lasts the need for foreign exchange to finance the import of industrial equipment and supplies from abroad will not be large. Fortunately the continent is endowed with the kind of natural resources which nowadays attract foreign capital in large amounts. If an under-developed country, not too thickly populated, were allowed to choose three things which would give it the best start in life with foreign capital in the second half of the twentieth century, it would surely plump for oil, aluminium, and iron-ore. So long as the basis for long term political calculations is not destroyed, private business capital from large enterprises should be available in sufficient amounts to supply a considerable part of Africa's needs during the early stages of development. In addition, Ghana and Nigeria have substantial reserves of foreign exchange of their own on which they will draw as soon as their need for capital goods begins to rise faster than their export earnings. Elsewhere in the African continent, however, there are important long range projects which cannot be financed in this way. The outstanding examples are Egypt's Aswan Dam, and the Sudanese irrigation plans further up the Nile. Aswan by itself is estimated to cost an average of fifty million dollars a year for some years. There is promise of a low interest loan from the Russians to cover a greater part of this expense. A start has also to be made on the programme of agricultural rehabilitation around the shores of the Mediterrean both in North Africa and the Near East, where the land which used to yield generous crops has been progressively ruined over several hundred years of soil erosion. With luck, African demands for capital during the 1960's will not require special economic aid on a large scale from the West: the great population explosion there is being deferred.

Budget for Immediate Needs

The examination of some of the main areas of immediate need suggests that something well over one billion and probably

less than two billion dollars a year is the kind of amount of additional capital which could be fruitfully used by the under-developed world almost at once. This particular figure, it must be repeated, is intended to illustrate the size of what is required immediately to deal with the biggest and most obvious cases only. The purpose of the argument set out here is, however, not to fix on some particular figure. The practical conclusion which it suggests is to make a noticeable impact on the problem of development will require the expenditure of considerable and increasing sums of money during the 1960's but sums which are, after all, well within the means of the rich industrial countries, without imposing any serious sacrifice of well-being. Mr. Hoffman, Managing Director of the U.N. Special Fund, intending to cover more countries and aiming at a 2 % annual growth of per capita income, rekons 3 billion dollars per year, while Professor Tinbergen's estimate prepared for the European Economic Community, using a similar target, arrives at a figure of 4 billion (including poor European countries).

More important than the question of precisely how much is the question — how soon ? For population is growing far more rapidly than has ever happened before on record. Moreover, it is growing without the economic and social changes, which have accompanied and sustained such increases in population in the past. This time the agent of the demographic revolution is medicine alone. Fortunately, the full force of the population explosion has not yet been felt in Asia where three quarters of the population of the under-developed world exists.

The critical question is what is going to happen in India and the other major centres of population in non-communist Asia. During the first twenty years of this century the Indian population was static. From 1920 onwards it began to rise at the cumulative rate of about 1 % until the middle of the century. Then in the 1950's the rate of increase shot up as a result of more positive health measures. The life span of the average Indian lengthened by several years — it is still lengthening.

The speed with which this change took place caught the Indian planners off balance, and they grossly under-estimated the likely fall of the death rate, and over-estimated the effect

of a slight rise of income in reducing fertility. In consequence the prospective increase in the population during the decade was estimated at fifty million. On the basis of more recent information the Indian Planning Commission has had to revise this figure to over 100 million. The average life expectation which was only 32 years in 1946 will, if present trends continue, rise to 50 years by 1966. This increase in population provides some measure of the urgency of the problem of development. If the Indians were to wait for another ten years before embarking on the sustained capital investment programme which is needed to create a modern industrial system supported by a productive agriculture, the sacrifice that would then have to be imposed on the people would be enormously greater, for the economy would contain a hundred million more consumers without a corresponding gain in the number of producers. Unless massive investment is undertaken before the event the extra labour power will not be absorbed in productive work. There is usually several years delay before a major investment in agriculture yields its full return — for example, large irrigation works or an extensive fertiliser programme; once irrigation and the use of fertilisers by the peasant goes up increase is very rapid, and naturally control measures is transferred to agricultural output.

With regard to direct population control there seems no reason to believe that the rest of Asia will be able to reduce their population as rapidly as Japan has done, even allowing that they were willing to adopt the drastic final phrase on the attack on the population problem — abortion and sterilisation — because in comparison with India to-day the standards of the Japanese in the 1920's when Japans birthrate reached its peak, in terms of education and material welfare were pretty high. At most family planning whatever form it may take, may ease the problems of the 1970's, it is extremely unlikely to solve them. After all the rate of population growth that is in prospect by then is more than double that reached at peak of the industrial revolution in Europe. Even if the Asian rate were halved the situation would still be difficult.

PIERRE DE BRIEY

Events and Trends

THE EMANCIPATION OF THE AFRICAN PEOPLES

If this survey is confined to the subject of the emancipation of the African peoples, it is for two reasons. The first is that the emancipation of these peoples is the most recent and has therefore contemporary interest; while the repercussions are still felt not only in Africa but in Europe and all over the world. The second reason is that the development of emancipation in most African countries is brought about under conditions so closely resembling one another that it is possible by analysis to grasp the characteristics common to them all.

In Africa, emancipation took place with overwhelming rapidity. On August 16th 1955, the Sudan senate adopted a resolution begging the government of the Anglo-Egyptian condominion to notify the two governments concerned of the Sudan's desire to put into immediate effect the measures designed to assure Sudanese independence.

On March 2nd 1956, Moroccan independence was formally recognized by virtue of an agreement which France ratified by a protocol.

On March 28th 1956, Tunisian independence was endorsed by protocol, and the status of French Protectorate was revoked.

On March 6th 1957, the British Gold Coast territory became the independent state of Ghana.

On September 30th 1958, French Guinea declared its independence as a result of a referendum held on September 28th.

By virtue of Article 76 of the French Constitution of 1958, the other territories of French West Africa, the territories of French Equatorial Africa, and Madagascar became member-

states of the Franco-African Community, enjoying internal autonomy. Their constitutions were amended during 1959 to give them the right to secede to complete independence in agreement with France.

In 1960, the Belgian Congo, Nigeria, Togoland, Cameroon and Somaliland also became independent states. In 1961, it was the turn of Sierra Leone.

Finally, as everyone knows, Tanganyika, Nyasaland and Uganda are about to accede to independence, while for Kenya and Northern Rhodesia it is only a matter of time. Thus in a few years nearly all Africa has freed itself from European tutelage.

What lies behind these radical changes ? — An emancipation that is effected without violence pre-supposes on the one hand a desire to achieve independence and on the other an at least implicit acquiescence.

The desire to accede to independence is called «nationalism», for lack of a more appropriate term. It is hardly necessary to recall that the occupation by Western powers of a good many African countries, and the impact of culture upon culture, was the cause of profound disturbances in the minds of the Black populations, disturbances that have been termed 'Black traumatism'. One of the defensive reactions of these populations was the messianic movement, or rather movements, calling upon heaven to intervene and liberate the Black peoples. These spontaneous movements were not sufficiently well organized and were too narrow in scope to form a serious danger to the occupying powers. It was not till the first stirrings of an awakening political consciousness that the possibility of evolution or revolution became apparent. The growing political consciousness was directly due to the presence of occupying powers who were themselves instrumental in spreading it. In the first place, economic development automatically fostered the creation of urban and industrial centres. Here African workers from many tribes and peoples met and mingled. Far from home, deprived of all the support of tribe and family, they no longer enjoyed the social security to which they were accustomed. As a result, their natural instinct was to form groups so as to re-

discover some sort of social integration for their own protection. Thus innumerable associations came into existence in cities and other places where Black labour was massed. These groupings on the fringe of traditional African society, and the syndicates formed to defend the workers' interests, were veritable nurseries for such concepts as liberty and equality, human rights and privileges, fostering the desire for relative autonomy of thought and action. Another factor was the rapid circulation of ideas facilitated by the spread of education and by radio, as well as roads, railways and other means of communication between the different regions of a single territory (1).

Then there was the effect of Christianity, teaching that all men are equal before God; and the recent world war which showed the Africans European nations fighting one another, and in the hour of danger calling upon African soldiers to make war upon the European enemy. Here is a description of African nationalism by an African: «...the basic ingredients that go to make up the present African nationalism may be enumerated as the African's desire to participate fully in the central government of the country; his desire for economic justice that recognizes fully the principle of 'equal pay for equal work' regardless of the colour of the skin; his desire to have full political rights in his own country; his dislike of being treated as a stranger in the land of his birth; his dislike of being treated as means for the white man's end; and his dislike of the laws of the country that prescribe for him a permanent position of inferiority as a human being. It is this exclusive policy of white supremacy that has created a deep dissatisfaction among the African peoples. It is this exclusive policy that has brought to the fore the African's consciousness of kind. It seems reasonable to say that the present African nationalism is paradoxically the child of white supremacy, the product of an exclusive policy» (2).

A statement of the same nature was made by M. Stéphane

(1) Cf in particular *The Politics of the Developing Areas*, Princeton University Press, 1960, p. 270 and following.

(2) Sithole, Ndabaningi, *African Nationalism*, London, Oxf. U.P., 1959, 174 p., 12/6 sh; p. 37.

Bernard, in a recent number of the Revue de l'Institut de Sociologie, to the effect that «Colonial rule collapses by reason of its incapacity to solve the social and political problems created by its own action on the traditional African environment» ([3]). M. Bernard declares that the western colonial powers cannot, without denying the moral principles underlying their own culture and progressively alienating international public opinion as well as opinion at home, govern the colonized peoples by force. They have to win the at least implicit cooperation of the peoples themselves. Now colonization has introduced disequilibrium because the setting up of industrial centres pre-supposed the existence of an autochthonous proletariat and thus postulated an exodus from the countryside to the industrial centres; also because the subsistance economy linked to the traditional social order was not sufficient to provide a living for the inhabitants and at the same time permit them to buy western products; because the difference between the European and the Congolese standard of living constituted in itself a revolutionary ferment; because the employers found themselves unable to organize satisfactorily the social security of the workers whom they engaged; etc... To eliminate these tensions, and all those resulting from the encounter of two such different cultures, a possible solution would have been «to exercise over the whole of the local culture a tutelage which would have enabled it to pass without undue distortion from its primitive level to the western level. Ultimately, the solution of the problem depends upon the modernizing of the indigenous economy and the aligning of its output with that of the West; the granting of a «western» salary to all local wage-earners; an educational system to embrace the whole of the population; and finally, a parallel and progressive transformation of the traditional political institutions. In all densely-populated colonial territories, if any of this was attempted at all, it was a complete failure. The failure is partly accountable to the lack of capital and of trained personnel. To deal at all adequately with the problem

([3]) Bernard, S., *Considérations sur la théorie des conflits coloniaux*, in *Revue de l'Institut de Sociologie*, 1958, n° 1, p. 98.

in all its colonies, the European state concerned would have had to devote itself exclusively to the task, and even so difficulties would still have remained. The failure is also explained by unfamiliarity with the situation; and last but not least, by a lack of driving power. But even so, capacity and knowledge are not enough if the will to act is lacking: the whole colonial system needs to be transformed into a disinterested and long-term undertaking of assistance to under-developed countries, and this of course cannot be done without tremendous motive power. — So the problem remains in suspense everywhere, and everything points to the conclusion that it was technically, politically and sociologically insoluble» ([4]).

As a result, the colonial powers found themselves faced with a situation to which there was only one issue: emancipation. Powerless as they were to obtain the support of the colonized peoples for a continuation of colonial tutelage, they found themselves equally powerless to impose their domination by force for any length of time; for massive repressions of lasting effect they could not hope for continued support either from public opinion at home or from other great powers. Thus they found themselves constrained to accord to the dependent peoples the autonomy they demanded, though with varying degrees of delay.

But it was when emancipation was accorded that the era of real difficulties began for the newly-emancipated states. To take political difficulties first: in the course of the fight for independence, all the opposition was united in wishing to expel the occupying power. But from the day independence was granted African nationalism had to change and turn itself into a constructive movement. This was a critical period in all African states. Nearly everywhere ethnic divergences came forcefully to the fore at the time of the first elections. The ethnic group was still the only one capable of giving the Africans a real sense of social security based on long experience. In all countries where a national leader was able to take command, the tendency to fragmentation was surmounted without too much

([4]) Bernard, S., *op.cit.*, p. 96 and 97.

difficulty; and in a considerable number of countries a man of personality was at hand, who had acquired the stature of a legendary hero in the pre-independence period. Houphouët-Boigny in the Côte-d'Ivoire, Sékou Touré in Guinea, Nkrumah in Ghana, became the prophets of their peoples. The enormous adulation that surrounds them constitutes a sort of ciment keeping together groups of peoples differing in language, tradition, customs and geographical situation. Nevertheless these leaders were not in a position to start ruling their countries without the backing of a strong faction able to ensure that government policy would be carried out. In Ghana and Guinea it is the government party that provides this support, in Egypt it is the army. This sort of thing does of course mean authoritarian rule, with little opportunity for the opposition to express its views. In Ghana, two members of the opposition are in prison and its leader has had to leave the country. In Guinea, the opposition no longer exists because the decisions of the major party have to be accepted by all citizens. They have the force of law. These are not purely arbitrary acts of the ruling party: in each case a constitution has been adopted and it is by virtue of constitutional ruling that such measures have been taken and put into effect. The special nature of the constitution is indicated in the expression, 'African neo-presidentialism', which means that constitutionally the head of the government possesses considerable powers. That is indeed the case in Guinea, Madagascar and the Côte d'Ivoire; and still more so in the Congo republic and Ghana. In Ghana, the head of the state, who is also head of the government, 'acts at his own discretion without being bound to follow the advice of any other person. He is not responsible to the Assembly, and he can dissolve it by proclamation at any time' ([5]).

We need to realize why these authoritarian forms of government have come into being. The risk of fragmentation has already been mentioned, Another factor is that these governments have to guarantee the rapid economic development of

([5]) Cfr. Buchmann, J., *Régimes politiques d'Afrique noire*, in *Zaïre*, 1960, vol. XIV, n° 4, p. 296.

their countries and bend all efforts to obtain it. But there are other reasons too. In K. M.Panikkar's book on the problems of the new states, he reminds us that 'the essential characteristic of democracy is the association of the people with the government at all levels. A democratic government does not come into existence merely because there is an elected central parliament and even a cabinet responsible to it. It is a question of the democratic process functioning at all levels, in the districts, in municipalities, and in all other institutions concerned with the government of the people. One of the major difficulties which the newly independent States had to face was that in many of them these popular institutions did not exist at the lower levels. This is one of the chief differences between the States of Europe and the newly-independent States of Asia and Africa (6). The author continues, 'A third factor which affects the functioning of democracy in the new States is the lack of independent thinking connected with political problems... Democracy, in fact, has to be provided with ideas... Unfortunately most of the new countries are ill equipped for such intellectual work in the political sphere... There is everywhere a paucity of personnel outside the government... Such *élite* as the new States have is, in many cases, hardly sufficient to man the government itself... Consequently, for the essential work of thinking out the problems which face the new States and for providing solutions for them in terms of local conditions, there is but little talent available. Therefore in most of these States democracy remains a borrowed ideology, whose implications are little understood and whose institutions have no special significance' (7).

However grave the problem of authority in the new States, there is a still more serious one, that of the civil service, or what has been called the junior administration problem. Without 'an administrative machinery of trained competence' (Panikkar), capable of assuring public order and the working of the state from the very bottom of the hierarchy upwards, the new countries run the risk of falling into chaos and anarchy, as in

(6) Panikkar, K. M., *The Afro-Asian States and their Problems*, London, Allen & Unwin, 1959, p. 21.

(7) Panikkar, K. M., *op.cit.*, pp. 21-24.

the case of the Congo. The new governments naturally try to fill vacancies with African personnel, but this possibility itself depends on progress in education. It seems that in Africa education was well-developed at the two extremes, that is to say primary and unversity education, but that secondary education was relatively neglected.

Among the territories now preparing for independence, Nyasaland and Rhodesia are perhaps the least advanced, from the point of view of trained personnel. In a recent article, Margaret Usborne states that in Northern Rhodesia, in 1960, there were only four African assistant district officers and a single African district officer on a temporary appointment ([8]). In Nyasaland, at the same date, there were four administrative civil servants and seven assistants. In provincial government posts there were only sixteen Africans in Nyasaland and fifteen in Northern Rhodesia. In the whole civil service there were only 51 Africans in government posts in Nyasaland and 54 in Northern Rhodesia. The territories of British West Africa were much further advanced in the appointment of African personnel on the eve of their independence. In Ghana, a territory that became autonomous in 1954 and independent in 1957, there were, in 1954, 1050 Africans in government posts. However it must be admitted that an extension of education has been seriously set on foot in Nyasaland and Northern Rhodesia so as to train Africans for senior positions. Moreover it is reasonable to suppose that for some time yet the governments can count on a good many European officials remaining, which will facilitate the transition.

To a large extent, the success of African emancipation depends on a country's economic viability, and this in turn depends on a number of factors, not least its resources in raw materials. Few African countries have the good fortune to possess mineral resources and of these, fewer still have industries on the spot to utilize them. The majority rely entirely, or nearly so, on agriculture to satisfy their basic needs, but agri-

([8]) Usborne, Margaret, *The Africanisation of the Public Services in Northern Rhodesia and Nyasaland*, in *Civilisations*, 1961, vol. XI, n° 1, pp. 40-41.

cultural produce varies from year to year and prices fluctuate too on the international market ([9]).

The African states with most mineral resources are the Union of South Africa, the two Rhodesias, the Belgian Congo, and then Gabon, Guinea and Mauritania, not to mention the Libian and North Sahara oil-fields. Ghana owes its relative wealth to its cocoa plantations. Senegal and the Sudan grow ground-nuts. Kenya draws a large part of its resources from European coffee and tea plantations and pyrethrum. The system of agriculture practised by the native peoples is still somewhat primitive, all the work is done by hand, and if the agricultural revenue is to be increased, more scientific methods will have to be introduced, which pre-supposes adequate equipment and therefore capital investment. Unfortunately the sources of capital are very restricted. Foreign investors are not keen to put money into countries with so comparatively little political and social stability and so uncertain a future. Hence it follows that, to a certain extent at least, economic progress depends on the Europeans who have remained in Africa and are thus in a position both to bring in capital and to introduce technically and scientifically more efficient methods of production.

But this initiates one of those vicious circles to which the new states are so prone. Their economic development depends largely on the financial help of the West. On the other hand, their advance to political independence is much slower and more difficult in the countries with a powerful White minority like Kenya and the two Rhodesias. Nevertheless, on a long view, political independence cannot be complete until economic development is finally assured ([10]).

Vicious circles are there to be dealt with, this one included. If its whole population is well governed and united, a poor country can obtain considerable resources. Cooperatives and the community development schemes do work and introduce methods

([9]) Cfr. Statement by the British Secretary of State to the Colonies on the *Introduction of the Second Colonial Development and Welfare Act, 1940,* in *Political Science,* March 1961, vol. 13, n° 1, p. 77.

([10]) Jackson, W. K., *Nationalism in Africa,* in *Political Science,* March 1961, p. 78.

of great value. And western assistance can be imparted in ways that are far from oppressive.

In fact the success of African emancipation depends essentially on the Africans themselves, and most of all on the cohesion of the African *élites*. The authoritarian character of the political régime and the tendency to single-party rule need to be properly understood in context. As a result of the exit of Europeans, two autochthonous hierarchies were left face to face: the old customary one, strong in its traditions, its continuity, its sacral character — and the body of new popular chiefs, a product of the urban associations, conscious of representing the will of the semi-proletarianized masses. In the great majority of cases the popular chiefs compel recognition, relegating the the traditional authorities to the background. But it is beginning to be clear that this conflict covers one or several others of much greater gravity. It is not merely a matter of rivalries between persons or groups, although such rivalry does exist, as we shall show later. There is first and foremost a rivalry of ideals. So long as independence had to be fought for, the activists could count almost everywhere on the enthusiastic support, explicit or implicit, of the great majority of the country's population. The fight for independence was usually conducted in the name of human equality, and the tendency was for one personality to obtain unreserved recognition as equal in value and dignity to all other national personalities. But once independence was obtained, the ideal of equality took on a different form. It is likely that in all recently independent countries, a great many people believed that a new era of progress and prosperity would dawn the very day foreign occupation ceased. Disappointment, if inevitable, has not engendered nostalgia, but rather a fierce desire to come into line, technically and materially, with the more advanced countries of the western world.

The ideal of equality has given way to one of development. The men who led the national movement and were carried to the top might have been tempted to believe that with the departure of the occupying power the revolution was finished, as far as they were concerned. They were prevented from doing so not only on account of their past promises, but by pressure

of their troops: indeed, in addition to those who are already dubbed the veterans of the revolution, account must be taken of the younger members of the parties who have not found places in the ministerial offices and who accuse their elders of settling down in their present state of ease. This group is harder and more extremist, it is in the nature of things that its members should be tempted by the more radical social experiments. Between this militant left wing and the elders in the villages a gulf has appeared. There was too great a difference in pace. And here the new conflict, that of the élites, emerges.

As the African governments of the Côte d'Ivoire stated in the next of their agricultural programme for 1959, 'Like all Africa, and in general all countries subject to a rapid evolutionary process, the Côte d'Ivoire suffers from profound social and economic maladjustments, the origins of which lie to a large extent in the serious clash of views between the elders and the young, creating a situation which worsens from day to day... Two parties have formed which, for lack of mutual comprehension, run the risk of becoming enemies...' ([11]).

The problem of the Ivory Coast repeats itself at Cameroon. At the Congress of the INCIDI, M. Paul Aujoulat, speaking for the social commission, declared: 'In the case of the Bamilekes of Cameroons the framework of the Administration had disappeared before its replacement was assured. The consequence was a conflict between the old and the new — a conflict between two generations frequently dramatic in intensity... On their return home, those educated abroad found parents something as we would find our ancestors of the 16th century. The love of the old for their traditions resulted in conflict'.

And Vincent Owona, a Cameroon magistrate adds, 'If the traditional authorities were given their head, it would mean the break-up of the Revolution'.

These same tensions are of course evident in countries under British protection. In a recent book, *The Politics of the Developing* Areas, Dr James Coleman bases his views on an analysis

([11]) *Agricultural Programme of the Ministry of Agriculture and Cooperation of the Côte d'Ivoire,* Abidjan, 1959, pp. 14-15.

of the political groupings in Ghana and Nigeria, showing that antagonism between young and old is to be found not only between a certain minority of traditional chiefs and the old men attached to the rites of former days, and a progressist majority clustered round the government, it exists in the very heart of the government majority itself, between old-stage revolutionaries and young radicals. Coleman speaks of 'the generational cleavage between the incumbent leadership made up mainly of nationalist carryovers and old party henchmen, on the one hand, and the upcoming generation of youth — mainly university students — on the other. The fact that the average of legislators in Ghana and Nigeria is thirty-eight years illuminates the youthful character of the present national elite when compared to more developed countries; it also indicates, however, that the incumbents are one generation removed from the new generation. Many members of this new generation are disenchanted with the old leadership and the post-independence state of affairs. They are also ambitious to attain the high offices now held by the older generation of nationalist agitators whose meteoric rise from lowly status to great power and affluence has been watched with a mixture of adulation and envy. The extravagance of their own career expectations is a reflection of their belief, or hope, that such rapid upward mobility can be repeated in their case. They are comfronted, however, with an entrenched elite determined to hold on to high office and the affluence derived therefrom — a determination made all the more desperate because the obvious alternative, in many instances, would be a return to the low status from whence they came' ([12]).

In the territory of Sierra Leone, the majority of educated people are Freetown coloured people, whereas the majority of the voters is made up of the provincial populations. One of the results of this division is a certain reciprocal lack of confidence between ministers and officials. The ministers are inclined to doubt the loyalty of the officials, jealous of the rapid rise of

([12]) Almond, A. & Coleman, J. S. (Ed.), *The Politics of the Developing Areas*, Princeton, Univ. Press, 1960, 591 p., 10 $; pp. 344-345.

their chiefs, and the officials, for their part, fear they may become victims of arbitrary measures ([13]).

Now the advent of universal suffrage and ballot-voting has meant that a fairly large proportion of rural representatives on the legislative council have a markedly different background from that of the rulers, whether in education, origin or interests. In some respects they can claim to represent the real country more adequately than the rulling set which is more westernized in its ways and owes its authority to the support of a singularly unstable and motley urban group.

To conclude, Coleman is no doubt right in stating that the new governments of Black Africa meet with two sorts of opposition: that of the tribal and regional groups demanding a greater degree of autonomy and threatening to secede; and that of new parties created by the younger generation, more ideological in inspiration, more determined to carry the revolution to its ultimate conclusion. Beside these younger politicians the revolutionary elders now appear conservative. Whereas their youthful opponents continue to increase in numbers, thanks to the spread of education and other factors of social change ([14]).

However, there is no reason at all for ending this survey on a pessimistic note. People talk of the growing-pains of independence, and of freedom's hard apprenticeship; yet no one has cast doubts upon the immeasurable value of freedom and independence. The new African governments have already given proof of energy on more than one occasion. It would be unfair not to have confidence in them.

(Translated by R. M. Bethell)

([13]) Cfr. *International Affairs*, Oct. 1960, pp. 455-456.
([14]) Cfr. *op.cit.*, p. 155.

EDUARD KROKER

Events and Trends

STATE AND SOCIETY IN CRISIS

The prospect of establishing justice, whether in the state or in the world, is dim indeed when the very concept of the state has become problematical. Certainly, men have always mistrusted power. But today more so than ever. An organ of power such as the state, when it no longer comes up to the idea men have of it, falls into disrepute. The current idea of the state is not in step with reality and does not validly reflect it. So it takes on the appearance of something that it is not: it becomes an ideology. Then, reality and concept fall apart. Indeed, the process on a more general plane, is a part of the great crisis of the human consciousness so characteristic of our time.

This is borne out by the prevalent scepticism as to the true place of man in society and in a world ([1]) whose traditional bounds have been transgressed by modern technical achievements; also by our awareness of the division of the world in two camps whose ideas clash and who cannot come to terms; while politically, in spite of this deep rift, the world is longing for unity. We know unity will be achieved — if not along the peaceful lines of organic evolution, then by violent means. Finally there is man himself, man in relation of one of the more important of his creations, the state; and the criterion for assessing the rightness of the state is to be found in man's own constitution and in his existential function. Once this close connection between the structure of the state and the nature of

([1]) Cf.: Fr. Heinemann, *Jenseits des Existenzialismus* (beyond existentialism), Stuttgart, 1957, p. 14.

man ([2]) is admitted, the reasons for the crisis can be seen as due not only to changes in circumstances but also to a transformation in man himself. It is this movement of change that Ernst Jünger characterizes as increasing acceleration ([3]). In such conditions, any conception as to what is to be considered as bonum commune, social justice, the best structure for the state, can only have very temporary validity, and the more precisely it is defined, the shorter its term of usefulness can be.

We are therefore justified in diagnosing the crisis literally as disease, as a dangerous condition, a crucial stage in the increasing formlessness of life. A pertinent question is, whether this formlessness does not involve the ultimate disappearance of existence itself.

Nearly all the authors mentioned in this survey refer more or less directly to the crisis of state and society. They point out the weaknesses, insufficiencies, unwholesomeness of the order that governs our day, whether economic, political, legal or social. Their subject-matter is, state policies that take no account of human nature and its rightful claims; the inflated conception of sovereignty; the disregard of the rights of the human person; the disregard of moves towards a world-state: though for all times, ever since the stoics, such moves have been regarded as right in the light of reason.

The crisis could almost be overcome if certain things were kept in mind: the origins, and above all the ends, of life, individual or social. According to Ernst Jünger, today man knows his origin and his ends better than he knows the present time ([4]); the objection to this is that if it were so, the man of creative gifts, being ipso facto closer to the heart of life, would not find the present situation so pointless. René Huyghe, in dis-

([2]) Cf.: M. Imboden, *Die Staatsformen* (Forms of the state), Stuttgart-Basel, Helbing & Lichtenhahn, 1959, p. 9.

J. J. Bachofen, 'the state is derived from the inmost nature of man'.

([3]) E. Jünger, *Der Weltstaat* (the world state), Stuttgart, Klett, 1960, in-8, 75 p., 80 DM.; p. 9: 'we are obviously in movement, movement of a kind that can be described neither as going or walking, nor even as changing. Rather it is a movement that has been accelerating for some time: more and more accelerando'.

([4]) E. Jünger, *op.cit.*, p. 9.

cussing modern art and its methods, speaks of the despondency, the note of panic, 'the contemptuous hoax implied in the means employed', 'means no longer capable of expressing anything; till they fall to the worship of their component parts and disintegrate' ([5]). Our intention is to survey a series of works enumerated below. First, those (I) that have general applicability; then, those (II) dealing with the crisis within Europe; and (III) a group of works historical in trend, and here we shall confine ourselves to a brief account of each author's attitude of mind.

Our selection of authors was not a systematic one, this was not called for in the circumstances. But all the works mentioned are in one way or another symptomatic. They deal with the phenomena that man's mind must master in our life-time, if it is not to be overtaken by the events that are beginning to loom over the horizon.

The first step towards mastering the crisis will be to detect those points in the political and social order where crisis is likely to erupt.

I

This is the subject of Del Vecchio's ([6]) splendid articles on the state. Though collected in book form, they have not lost the character of independent essays. Some of them go back almost thirty years, yet each reflects the present views of the author, who states in his foreword that they have been brought up to date in the light of modern scholarship.

The most extensive in range is the first. *Lo Stato,* treating its subject, the State, from a series of points of view: logical, realistic, ideal. It deals with fundamental problems, depicting prevalent views of the state, but also, as the author points out, seeking a solution to numerous present-day problems. Subsequent articles deal with one or another of the themes touched on in the first one. The author attaches particular importance

([5]) R. Huyghe, *Die Antwort der Bilder* (The pictures' answer), Vienna, 1958, p. 22.

([6]) G. Del Vecchio, *Studi Sullo Stato,* Milan, Giuffrè, 1958, 235 p., 1500 L.

to the second, *Sulla statualità del diritto,* which enquires into the nature of the connection between Law and State. The theme recurs in *La crisi dello Stato* and in *Individuo, Stato e Corporazione,* with fresh evidence to give it body and backbone. The essay entitled *Stato e Società degli Stati* is an abridged version of a course of lectures delivred in 1931 at the Hague. *Etica, diritto e Stato* gives the author's views on the philosophy of law, while the last essay, *L'ideale cosmopolitico e il problema dell' unificazione europea, discusses* the cosmo-political ideal and the problem of European unity.

Our procedure will be, first to elucidate the basic ideas of each essay, and then deal with the problems involved, which may justifiably be termed points of crisis-eruption. Indeed the author holds that the modern state can be diagnosed as «in crisis» in all countries, more or less, though in very different forms ([7]).

This mutability is scarcely surprising, for the state, seen as a living entity in process of evolution, is extremely viable, the form of life proper to it may degenerate, excrescences of various kinds may appear, it is subject to the inflation and imposition of one of its forces at the cost of others, with potentially fatal effects on the whole body of the state.

The first article, *The State,* ([8]) deals with basic principles, and the others all more or less explicitly follow on from it. Del Vecchio begins with a lucid description of the constitutive elements of the state, the various aspects of its life, its functions, relations to other states or similar bodies, its endeavours to safeguard its unity and even its very existence, and finally its efforts to fulfil its functions and achieve its aims.

The state is defined as the object of legal order and its centre. We are recommended not to understand this definition as an identification of state and law, nor should we assume that the state is the creator of law. Del Vecchio insists that the ideal order, the order of values, is above the positive order of the state, and justice is not to be identified with the state legal system. It

([7]) *Op.cit.,* p. 127.
([8]) *Op.cit.,* P. I, *Lo Stato,* pp. 1-96.

therefore follows that the positive legal system is by no means necessarily legitimate on account of being positive. It is only from the angle of justice itself that the state can be justified in its existence. It is from justice that it obtains the standards it has to apply in fulfilling its functions.

The most exalted function of the state, as the author insists, is to safeguard the legal order, that is, to see that justice is done. Justice demands that man be given due recognition in his true nature. Every man possesses original and inherent rights whose validity is independent of any positive law. It is the observance of those rights that endows the authorities, of whatever kind they be, with legitimacy. Thus in practice justice is no other than the effective protection of the natural rights of the individual. Ideally, as Del Vecchio sees it, the state is the point of convergence of all individual rights; logically these take precedence of the state even when, in the 'real' order, the state gives them positive recognition and endorsement.

As to the distribution of powers and functions, the author is in favour of decentralization, but not, he insists, to the point of disrupting the unity of the state.

Now in the history of human civilization the break-up of a state is always retrogressive; whereas inter-state relations represent a progress, and still more, a supra-state community. Thus on the juridical plane the unity of the human spirit begins to be a reality.

The same categorical imperative which imposes on individual men the obligation of forming a state drives individual states to emerge from their natural condition of potential anarchy and adopt an order in which the freedom of the individual state is in harmony with the sovereign authority of the totality. The League of Nations and the United Nations are to be seen as attempts to meet this challenge. The more readily a state has justice done within its own sphere, the more acceptable it becomes as a partner in a system striving to establish an international community. Reason itself incites us to participate. No state can cancel its membership of a community conceived in terms of international law without infringing justice, world justice.

The author attaches particular importance to his study of the law's relations to the state (9). He refutes the arguments of those who admit of no law but positive law, as though law and positive law were identical terms and law was identical with state; he refers to the findings of inductive sociological studies which demonstrate the precedence of law over the state, reminding us of canon law and international law and the laws regarding associations formed within the body of the state, all of which are incompatible with an identification of law and state.

Del Vecchio observes that everyone can claim to be the same as everyone else before the law. Thus each represents an embryonic system of principles of law which helps him to get on with his fellow-men. And closely connected with this is the sense of right and wrong, of what is or is not permissible.

Legal principles that are more than merely theoretical, being intended for practical use, have a tendency to come together and form a system. But where the right of appeal is abolished, the only valid norms are those that fit the system, and those that do not are annulled. The will, which in this case functions like a sort of living logic, can only do so by gathering its assents together into a harmonious whole. That is why individuals, like nations, are unceasingly engaged in an endeavour to fit the norms that remain unadjusted into a regular organic system.

Hence it follows that for law to become positive, a supra-individual common will must be created, and sharply dissident individual wills must make a constant homogeneous will predominate; moreover, this homogeneous will has to establish a legal system capable of regulating the life of the community and maintaining it in peace. There we have an essential function of the state. The life of the State is described as consisting in ceaseless self-assertion as against individuals and associations, and if these do not recognize the state as central they try to overthrow it. But of its nature the state cannot be done away with. A re-distribution of social powers may alter the shape of the state but cannot eliminate it. One thing however

(9) G. Del Vecchio, *op.cit.*, P. II. *Sulla statualità del diritto*, pp. 97-124.

must never be forgotten: only law is as eternal as man, for a sense of law and a conception of law belong to the indestructible constitutive elements of the human consciousness.

The consolidation of law in the course of human history and its shaping into an organic system centred on a common will, does not come into existence in a moment, but is the result of a long and complicated process. So it is not a matter of chance that the historians distinguish the genesis of the law from that of the state, situating the latter at a much later date. The author draws attention to those duties of the individual which arise from the fact of his membership of a state. He urges us to remember that human experience over a thousand years makes it clear that all attempts to disregard the basic rights of the human person result in insurrection and revolt. The same danger threatens when the state tries to remove the corporative associations from their mediatary function between individual and state.

A subject that the author touches on in both the first and the second of his essays concerns the law-making action of groups in the state. This is in his view one of the points where crisis is liable to erupt, and he dedicates a complete essay to a discussion of 'the crisis of the state' ([10]). It is attributed chiefly to the fact that workers' unions rise against the state and engage in law-making on their own account. They set up principles of their own with an imperative character and govern their relations with other similar bodies in their own way, independently of the state. They hold it is incumbent on them to provide their members with the protection that the state cannot or will not provide, or not to the same degree or in the same way.

What should be the attitude of the state to these unions ? If law was a creation of the state's, in theory the problem would be easy to solve. But, as the author insists in almost every essay, the state is in no way a law-maker. It is merely the assembly-point, the point of gravitation for the expression of the will of associated and pledged individuals. Now the state is bound to recognize every individual as a lawful entity, with all the

([10]) G. Del Vecchio, *op.cit.*, P. III. *La crisi dello Stato*, pp. 125-146.

rights with which nature has endowed man; and this recognition must extend to those expressions of will which attest to the act of lawmaking. In fact the author insists that the continued existence of the state depends on this. He rejects as unsound the theory that only the state can pronounce on the legitimacy of private actions. In reality, the state can but endorse whatever has started the process of legitimate operations. He sees a proof of this in the efficacy of the common law. The state is in a very difficult position when confronted with groups of individuals or regular associations producing on their own account a law of their own, independent of the legal system in force. As envisaged here, the problem is not, whether such relatively autonomous groups should be tolerated or simply suppressed, but rather, how the powers behind such associations can be wedded to the interests of the state.

The author finally observes that a state is sound and strong when it lets justice speak for itself. By right, it ought to represent the sum of all the legitimate aspirations of individuals and groups within it. Therefore any policy is wrong that tries to abolish these elements, for it impinges upon a freedom fundamental to human nature as such.

In the essay on "Individual, state and corporation' ([11]), too, a problem is tackled which every generation poses anew. It concerns the relationship between individual and state, group and state. The author shows how the mind of the state is a projection of the mind of the individual; how the life of the state pre-supposes a gradual grouping of individuals into society, a process which is in conformity with the natural aspirations of the human mind.

All activity in regard to the ends of human nature leaves its mark on the juridical system, though under the aegis of the state as the symbol of formal unity. The wealth and diversity of individual initiative are perfectly compatible with the state; just as in the family, which, being the link between individual and state, cannot possibly portend restrictions on either part.

([11]) G. Del Vecchio, *op.cit.*, P. IV. *Individuo, Stato e corporazione*, pp. 147-180.

The family has its own centre of authority, its own system of norms for setting up links and laying down sanctions. The author has no hesitation in seeing these family norms as a delegation of the will of the state, state-consciousness having slowly penetrated even this special form of community life and turned it into an element of the all-embracing state structure.

Something analogous occurs with vocational associations, trade unions and corporations. But in this case the process took place much later, and even today it is still not completed. In fact it is precisely here that there are visible signs of acute crisis. As a rule, when the assumptions of such groups come into opposition with the assumptions of the State, it requires a very great effort on both parts to reconcile them. And it will depend on the success of this effort whether a focus of unrest can or cannot be eliminated from the state.

The same principles govern inter-state relations: here the tendency to a new juridical unity is to be observed. The process is still at a stage which, in comparison with trade unions, can only be described as very backward. But the endeavours of the different states to coordinate action and tune in to one another, are today unmistakable. Every state considers itself essentially autonomous. And indeed it is so. But it is only from a superficial viewpoint that such autonomy can be taken for a serious obstacle to a comprehensive union. Just as the individual is only truly free in so far as he obeys the laws of reason, so the state is only really autonomous when it freely fulfils its moral obligations and brings into existence a just and peaceful understanding between individual states.

The human consciousness has not, indeed, completed its juridical function by founding a state. So long as a world-wide community of the human race has not come into existence, the thirst for justice cannot be quenched. The cult of justice, which involves the whole of humanity, constitutes a sort of religion, whose priests are men of law — according to an old classical theory of Roman inspiration. It is in the endeavour to attain this goal that the dignity of our existence lies. The identity of the endeavour is what underlies that profound solidarity which unites the men of law of all land as brothers.

On the theme 'state and state-community' ([12]), the author gives special attention to the question of state sovereignty, and how the state in all the expressions of its will can depend on itself alone and yet can belong to a community of states that has binding powers over its members. A practical solution of this problem is a pre-requisite for the provision of a charter valid for the whole of mankind.

The author is concerned with fundamentals. In the order of reason, the fundamental notion of law cannot be separated from that of duty. Man is by right entitled to be treated as a person and not as a thing. And on his part, he is under an obligation to recognize others as persons. Independently of any considerations of utility, independently of any biological necessity, man is under an obligation to form a society. In the author's view, this is a moral necessity. But what is the nature of the relation between this ethical imperative and the will of the individual ? The same law which requires that a society be formed, determines also the content of this social contract. In other words, the uniting of men in society is no arbitrary act; *with irresistible compulsion* it issues from the nature of man. The social contract described by Rousseau and Kant is an *a priori* idea, postulating no formal declaration of the conformity of wills that underlies it. It shows how necessary it is for men to live together, and no one can withdraw from this necessity without infringing an obligation to the law.

Just as this basic contract is a necessity, so are the other contracts, which — however they came about — always concern a grouping of persons, and therefore have as object a recognition of their existence. The will to take on obligations is insufficient alone. A contract gets its validity solely from its rational necessity, and it has its source in the first, the social contract proper.

The author rejects a thesis that finds wide acceptance today: namely that international standards are based on the collective wills of those states which subscribe to the norms. The theory

([12]) G. Del Vecchio, *op.cit.*, P. V. *Stato e Società degli Stati*, pp. 181-196, P. VI. *Etica, diritto e Stato*, pp. 197-214.

that the state is only bound to norms which it has engaged to uphold leads to anarchy. If anyone believes it follows from the present-day idea of sovereignty, he may well be right; but then it is this idea of sovereignty that must be rejected.

Reason declares that a society of states is necessary, and that it must be founded on the obligation of mutual recognition. History teaches how widespread the awareness of this necessity is. It appears in the respect given to freely-adopted contracts between individual states, and even to special contracts; and these take their place very nicely in the idea of a universal state as necessary, embracing all states, and founded on mutual recognition and respect for the personality of one and all. The ideal of a universal community of states is the goal towards which reality has to strive. That is why it is so stirring that, after the first and then after the second world war, the attempt should have been made again and again to create communities of states, and that these efforts are made in the interest of an international law binding on all.

Similar ideas occur in a splendid discussion of the cosmopolitical ideal and the problem of uniting Europe ([13]). Ultimately the European crisis in one with the crisis in international law. The present-day upholders of international law preconize a conception of sovereignty that assumes the absolute independence of the individual state. The state, so it is said, is only bound to uphold those norms to which it has itself subscribed. Such a conception of sovereignty repudiates any obligation to a natural law or a divine law. The errors in international law can all ultimately be traced to a confusion between the ideas of freedom and arbitrariness. Alone is free he who observes the law of his nature. Man is free in a more profound sense, the more, as the spiritual being he is, he obeys the voice of reason. It is true of the individual. But it is also true of states in relation to one another. Freedom is only possible where the law is observed. — This discussion throws light on the greatest obstacle in the way of European unity and world unity.

([13]) G. Del Vecchio, *op.cit.*, P. VIII. *L'ideale cosmopolitico e il problema dell'unificazione europea*, pp. 215-232.

However, there are three difficulties to overcome. First, the excrescences produced by inflated nationalism. Our progress has to depend, not on the elimination of our neighbour, but on our own efforts; and unbridled internationalism is just as foolish when it leads to neglect of our obligations to our own community.

Then there is the question of how the equality before the law of different states is to be reconciled with their actual disparity in size and population. How are a state of a hundred million inhabitants and one of only a few million to stand on a basis of equality ? This difficulty is not insuperable in the author's view: a solution would be for all to adopt certain fundamental principles: absolute respect of persons, strict maintenance of the system of rights and duties, a guarantee of protection for small units, etc.

The third difficulty is what the author calls the harmonizing of the internal order of the individual state with that other order that emerges from union with other states. It is clear that a certain autonomy of the individual state must be assured. On the other hand, the rights of the individual state cannot be unlimited if the federal union is to constitute a quite new type of state. It is only natural that in this connection existing groups of states should be mentioned. — In our view, the author is right to criticize the statutes of the United Nations Organization: the same rights are proclaimed for all nations, great or small, while decisions on more important events are the prerogative of the greater states alone. He is aware that the goal is still a long way ahead, and his conclusion is a prudent one: if efforts are confined to what is immediately attainable, it is not necessarily a sign that the ultimate aim has been abandoned. The times in which we live today may perhaps be compared to man's pre-history. Regarded from some later age, our state-order may well look like regular anarchy. And philosophical thought has an obligation always and in all circumstances to bear origins and ends in mind.

Whereas Del Vecchio is chiefly concerned to show how the state ought to carry out its immediate functions and how it is doing its job if it is striving for a universal state, Imboden con-

fines himself to an elucidation of the structure of the state in terms of the human condition. He too envisages the cure of crisis as an end, seeing the seat of crisis as state-consciousness.

But Max Imboden, author of *Die Staatsformen,* takes a very different viewpoint. In fact he has a line of his own: his book has as subtitle; 'Versuch einer psychologischen Deutung staatsrechtlicher Dogmen' (a tentative psychological explanation of constitutional law). He attempts to bridge the gap between the phenomenon of the state and the spiritual condition of man, which he characterizes in terms borrowed from C. G. Jung. He accounts for his choice of method by invoking the great political thinkers of antiquity, whose views on the structure of the state were derived from the human psyche. But Imboden also invokes modern writers who take a similar line or recommend it.

As a rule, the insufficiencies of the modern state are more or less clearly seen to constitute a danger, but Imboden transposes the seat of crisis to man himself and man's attitude to the state. As he sees it, society today is a prey to deep-seated stresses, revealed in its inability to bring the people — the basic power, but incapable of action on its own behalf into a strongly-consolidated relationship with the reason-illuminated superstructure of the state. Here the contrast is between two fundamental powers, which Imboden compares to a maternal, dark, unconscious one and a male, enlightened logos-archetype.

He describes the danger of a *lapse of political consciousness into the subconscious.* An important point is that for Imboden consciousness and freedom are almost identical notions; at least there are circumstances in which one is a condition of the other, consciousness a condition of freedom. What exactly he means by this 'lapse' is echoed in a reference to Condorcet: to place the fate of a people in its, own hands and withhold from it a differentiating framework conducive to an understanding of its own situation (which means in effect that it is always dealt with only in the mass) restricts it as a power to a primi-

([14]) M. Imboden, *Die Staatsformen* (Versuch einer psychologischen Deutung staatsrechtlicher Dogmen), Stuttgart-Basel, Helbing & Lichtenhahn, 1959, 120 p., 16 Fs.

tive stage of consciousness so it can only make a showdown of power and overrun the existing order with all devouring violence.

But there is also the danger that the power-structure will come loose from the foundation on which it is based. Then it loses all its contacts and breaks up. Here too the end of the process is a lapse into the sub-conscious.

To avoid this danger, the attempt was made, first to play off the sovereignty of the people against the doctrine of the division of powers, and then to sacrifice the sovereignty of the people to the doctrine itself. But only a synthesis of democracy and the threefold constitutional state could hold out any hope for the future. In the popular democracies we see what any form of exclusiveness is bound to bring about.

Thus the greatest and most ominous disruption of the structure of contemporary society is due, not to a change in its shape but to the prevalence of a rationalistic legalistic claim to authority. The state became an institution whose function was to promulgate laws and generate justice without interference; this accelerating dynamic substituted itself for man's normal environment, which by now was deprived of all its proper contacts. When a generalized and rationalistic norm becomes the measure of all things, when even the personal value of the individual is sacrificed to it, when the last glow of transcendent glory fades out of our social life, then man is driven into isolation. And Imboden wonders *whether western man would be as paralysed as he is with fear of the communist Leviathan, were that sinister menace, deployed in full strength on the other side of the iron curtain, not also discernable at given points in his own civic state and as a weight on his own shoulders.*

Till the eighteenth century, the classical account of different sorts of government: monarchy, aristocracy, democracy, formed the established pattern of political thought. Earlier, the kind of government depended on the number of those governing. According to Locke, the legislative was the dicisive element. Our author provides a psychological key to these different forms of government, tracing them to definite attitudes of mind. Such interpretations may be relevant enough if each form of govern-

ment is taken as a reflection of the degree of freedom existing at the time, for true freedom implies consciousness.

Hence, one-man-rule means one-man-conscious: by his deeds and in his person, he brings into evidence what each individual has latent in his sub-conscious. While majority rule, rule by an elite shows how, through progressive individuation the rulers became the vast numbers of the elected.

The élite is mandator; it is more than merely the manifestation of the subconscious wishes of the mandate-givers. And to the mandate-givers themselves its relation is one of conscious equality. Government-by-all means that conscious intentions are dominant. Through the process of individuation, all citizens, or at least most of them, now have clearly conscious relations with the rulers. Now rulers and ruled are identical. *In a true democracy, the totality of the people is constitution-conscious. In the popular democracies, such consciousness is an illusion.*

The great danger of democracy is the growing independance of the executive. The author points out that the domination of the executive is not due, as a rule, to external circumstances, but it arises *as a result of internal slackening*. External changes merely register what takes place in the individual.

In the same way, the theory of the division of powers is explained as a constellation of human consciousness. It has kept up the appearance of a logically necessary combination; but on closer inspection, it is obviously impossible to derive the threefold division of powers, and the theory of divided functions, from a logically imperative prototype. Any attempt to find an empirical explanation for the theory of the division of powers merely shows up how problematical the formula is. It is an abstract device superimposed upon a lively and visible sociological reality, and it is basically monistic.

The various powers are variously allocated; the resultant legislation follows the forms of representative democracy, the executive is unmistakably monocratic and the judiciary has distinctly aristocratic features. The author rejects as unfounded the suggestion that the theory of division of powers is a guarantee against the misuse of power. Not an external power-mechanism, but the consciousness of the citizens, supported by a

contrast-forming plurality of powers, is the real dam against power turned savage and run amok.

The triple-power system is a sort of superstructure over the basic power invested in the people. The *trias politica* is a differentiated rational whole; but it is the *universitas popularis* which is the stirring and stimulating subject-matter of sociology.

Here, the archetype of the trinity is joined by the ancient symbol of the affinity of opposites: there is an inter-penetration of spirit and matter, of the three powers and the people. And a fourth power, the people, comes into its own. The gap between superstructure and foundation is bridged. The antithesis is deliberate and is in fact the basis of true security.

Alongside the theory of the three state-forms and the three powers, there is a third combination known to state-sociology as the theory of the three distinct titles to legitimation, which shall be elucidated with reference to Max Weber.

In sociology, this theory is one of relations. In legal sociology, the coordinating relation of formal equality corresponds to the rational rule of law; the contract corresponds to the traditional relation, the declaration becomes a pledge. In a charismatic form of rule, a condition of equality is created by joint participation in values held in common.

The types of legitimation remain inter-connected. The rational norm, the self-esteem of the person, and the charisma of leadership, are community-forming principles, from which derive contact-forming claims to authority. To-day the unity of the three claims to legitimation is destroyed. A legalistic rationalistic motivation is alone allowed validity. The destruction of this unity revealed the polarity of the legitimation of authority, and it then became a problem.

Imboden's description of the relation of the legitimation types to the theory of state-forms and to the theory of the division of powers, throws into relief the dominant part played by the rationalistic legitimation of government in the modern state.

Basically, the state crisis is also a crisis of the consciousness as Otto von Habsburg shows in his *L'Ordre social de de-*

main ([15]). In the foreground is the state, and facing it, a new structure of society and a new form of economy; it has at its disposal neither the constitution nor the state-form to enable it to meet the new demands made on it.

Otto von Habsburg starts from the viewpoint that atomic energy together with automation indroduce a new age, and in the near future the face of the earth will be changed. An economic revolution is brewing with a range that will far exceed that of the machine. Such events as these must be clearly foreseen and planned for, or else the dangerous effects of the machine-revolution will recur with even greater violence.

In the social sphere, the farmers, small traders and small business-men are being ruined. A new proletariat is rising while the working classes are slowly emerging from proletarization. The professional classes are affected too, intellectual work is at a discount and young people are not much attracted to it. In fact in our own generation intellectual work is positively dying out.

The two economic systems of the recent past, capitalism and marxism, are both in decline, without any economic reform to provide a substitute. And as economic evolution is subject to human influence, it must be supposed that a sound economy can only be hoped for under the right form of government. But in present-day Europe the state is the heir of the French Revolution. This is what distinguishes it: being impervious to any form of transcendance, it recognizes no natural law and declares autonomous man to be the source of law, thus verging on absolute dictatorship.

Economic reform in the atomic age will derive from the present economic system. The splitting of the atom means that the sources of energy are now unlimited. Automation expands the field of work indefinitely. The economic system of the future is likely to mean that the distribution rather than the production of goods will be the cardinal problem. Capitalism was

([15]) O. DE HABSBOURG, *L'ordre social de demain* (La Société et l'Etat de l'ère atomique). Trad. de l'allem. par M. NAEF, Bruges, Desclée De Brouwer, 1960, 142 p., 60 FB.

the economic system of the upper classes, marxism that of the lower classes. In the atomic age we shall have an economic system of the middle classes.

If the transition is to take place without great upheaval, plans will be needed for an economy that will disregard geographical boundaries and include the whole European territory; above all else it must seek to assure man's freedom, for this is what is chiefly threatened in the emerging new economy.

Economic reform will be marked by deep-seated changes in society. Today, says the author, we are on the way to a classless society. It can be one of two things: either it will lead to a new form of serfdom, or, if well-conceived planning is allotted its proper place, it will foster the emergence of a free society of independent individuals. Such planning is bound to mean that free individuals will once more come into possession of the means of production.

In this connection, the author's views on the state and on politics are of particular interest: he defines them as awareness of the community and service to the community. The instrument of such service is the state. Today most states do not possess the capacity to cope with the turbulent rush of events; the state is out-of-date in form and constitution, which are its straight-jacket rather than its appropriate clothing.

Among other subjects discussed is the power of the executive. The author declares Montesquieu's system to be impracticable, for history proves that a collective government of states only works on paper: one authority or the other will always get the upper hand. He hardly touches on the theory of the three-fold power. He does not seem to realize that it provides a positive alternative to the totalitarian state. He pleads for a constitution in which the juridical function will be given the primacy. He is in favour of monarchy, and of a federal Europe that would foster cultural relations, particularly with the South American states.

II

W. Schätzel's ([16]) description of the state is also relevant to the present situation. He enquires what the state ought to be in view of what contemporary states are, east and west. He too is aware of that 'sinister verge of crisis' on which we totter today, inhabitants as we are of only one of two worlds.

In *Der Staat*, Schätzel ponders over 'what philosophers, statesmen and politicians have thought about the state and its problems', providing an impressive collection of extracts from antiquity, the middle ages and modern times. It is the one really good selection of political writings covering a thousand years, intended for the use of university students.

In lieu of introduction there is a discussion on the state, with someone from the east zone of Germany as mouthpiece for the eastern-bloc form of state, and a representative of the west, together with a third party, a man with the significant name of Beidernich (neither) who speaks for the author. So we have a confrontation of western democracy and communist democracy. As this rift between east and west covers the whole world, not at all halting at the iron curtain, the problem of the state is clearly the problem of the world itself.

The danger is stressed of the state extending its oppressive power and crushing the individual. It may be too much to say that the tendency is there in principle in western democracy, but there can be no denying the trend in that direction. The overwhelming power of the state is on occasion admitted by the protagonist of the east, but only as a transitional phase.

The view that war is no longer an option for the state finds wide acceptance today. In the statutes of the United Nations, both USA and USSR committed themselves to the view that a war justified on both sides could no longer occur. The aggressor is always in the wrong, however many times he may otherwise be right. The mutual distrust of states is vividly described: any state can believe any other state to be capable of starting

([16]) W. Schätzel, *Der Staat* (Was Staatsmänner, Politiker und Philosophen über den Staat und seine Probleme gesagt haben). Bremen, Carl Schünemann, 1959, 2. erw. Aufl., 484 p.

war. The main reason for the present tension is the mood and attitude of modern man. Indeed, war and state are related ideas in men's minds, and this does not exactly enhance the reputation of the state. Moreover, in east and west alike, taxation is felt to be unbearably oppressive. And people are very sensitive about the tendency of the state to intrude on their personal privacy. No wonder it is thought of as a monster, a Leviathan eager to swallow up its victims.

Nevertheless, the state is the one means of guaranteeing freedom and order. But the east sees it first as a guarantee of order, whereas the west regards it as the guardian of freedom. In either case, the state has the function of creating a harmonious balance between order and freedom, which are both basic to human nature. Constitutional reform is imperative: it involves the drawing up of a constitution that will meet all that is required of it and respect the majority — a constitution that will guarantee the highest degree of freedom and scope for the human person, but not at the cost of the principles of order and justice. The representative of western political theory is inclined to regard justice as the foundation of the state, while the representative of the eastern bloc sees justice as superstructure which has to be adapted to the basic plan of the moment, and serve the state.

The same words are used on either side, but equality is a reality in the west where all are treated as equal before the law and possess equal opportunities for work and advancement. Whereas what is meant in the east is rather, the same share of the people's wealth for each individual citizen. In the west as in the east, freedom is restricted in the interest of equality and vice versa. And in the interest of peace, justice too may make restrictions necessary.

The contrast between east and west is deftly and briefly sketched, the one comprising individuals on a footing of complete equality, the other subordinating them all to a higher power.

Just as there are only two forms of state, there is only a limited number of underlying concepts, only four in fact: religion, nationality, socialism and liberalism. Nationality seems

to be the one strong enough to oust the rest, even socialism and liberalism. The author concludes that the present-day state has to be national first and foremost, or it would be swept away by the people.

An important point is that here, too, it is clearly argued that the state can be put on the right lines only by reference to its end and its origin in human nature. But there is scarcely a mention of the state as a member of the family of states, and practically no attempt to work out its meaning to the human race as a whole — unless the present confrontation of western and soviet forms of state is supposed to mark a stage on the way to promoting a family of nations.

Fritz Werner sees a danger in the special role ascribed to the administration of justice. In *Das Problem des Richterstaates* ([17]) he discusses the doubts and problems which beset it in Germany today. It is a matter of some concern, when one remembers how immune and securely-based the administration of justice needs to be. On the one hand, jurisdiction is an integral part of the state-structure, it is subordinated to the legislative, and it is evident from the declaration of basic rights that it has become part of a general system of ideas tending to encroach on the pre-governmental sphere. On the other hand, fault-finding with the administration of justice is on the increase. There is talk of the juridical tainting of politics and the political tainting of justice.

The exercise of judicial authority must be understood as a function of the imperative. It becomes increasingly difficult, on account of the encroachments of psychology, which today plays such a large part in human life, and bears heavily on the juridical system too. Legal men are especially exposed, because of the way the public mind claims special prerogatives for psychology, which is regarded as a way of discovering what tricks a man is up to, and of exploring every nook and cranny of his mind, without compunction. Formerly, public opinion had watchdog-function and was actively interested in the pro-

([17]) Fr. Werner, *Das Problem des Richterstaates*, Berlin, W. de Gruyter, 1960, 26 S., 4 DM.

tection of the individual; today there is a danger of reversing its role. The invasion of privacy, in such a strongly traditional department as the juridical system, is an old and familiar symptom of the devaluation of human dignity which, though a fundamental principle of law, is trifled with as a thing of no significance, with no strings on it.

Today the magistrate is exposed not only to the temptation of power but also to that of publicity. He is in danger of becoming a tool of public opinion. The author insists that a magistrate must be capable of listening, and when he comes to speak he should eschew irony; it is seldom fitting for him to pontificate; nor are magistrates to behave like actors in a dramatic performance.

It is a function that is very close to a man's conscience. A bench of magistrates is a group not of capacities but of consciences. Logic, a sense of justice, conscience, all are involved.

Another complication is the widespread dislike of the magistrate's job; and also the fact that he is not sufficiently well equipped for it. He is dependent on the positivistic state legal system, and that is in a *condition of crisis*. State and law no longer harmonize. Even the inherent rightness and justness of the law is dubious nowadays. Parliament and law have lost their authority; the courts have been integrated in a system that has made itself responsible for justice regardless of the law.

The magistrate had the material right of revision (Prüfungsrecht) and the assumption of the rightness of the law had ceased to exist. The recognition of the right of revision meant *the end of the system of the division of powers* as it was known in the nineteenth century, and the magistrate became supreme over the law. Today, the main responsibility is the magistrate's, not parliament's.

Juridification is encroaching on the whole of life. Every difference of opinion is regarded as matter for litigation. Justice is burocratized. The family association is dissolved in a mass of claims. As for conditions of work, the traditional general formulae, «Fürsorge und Treuepflicht» (providence and trustworthiness) has a remote ring. The juridification of life has a a restrictive effect on human feeling. A change is occuring in

the attitude to justice: the individual tends to see misfortune as something against which he can have legal redress, and considers it is the state's duty to smooth out any inequality brought about by misfortune, in relation to those not similarly afflicted. If there is no revival of the legislative function, we are well on the way to the magistrates' states with the judiciary forced into politics and obliged to play a political role.

Imboden saw the threat to democracy in the inflation of the administration, and in the growing independence of the executive — always an acutely dangerous trend. His premises entitled him to declare that every inflated power, of whatever kind, is at threat to a constitutional state.

In 'Deutsche Staat als Rechtsproblem' ([18]), *Adolf Arndt* discusses the question of whether the German state has survived the war.

There are two views about this, known, as the 'presence' theory and the 'imperfect' theory. The 'presence' theory supports the assumption that Germany can only be 'present' as a state that includes the German people as a whole. Further, it asserts that — even though destroyed — the unity of the state of Germany remains in international law, and still has sufficient validity in both parts of Germany. Whereas the 'imperfect' theory declares that, actually and effectively, two opposed German states exist in international law. Exploring the possibilities of both theories, the author examines what it is that constitutes a state; he rejects Jellinek's theory restricting it to the elements 'people, land and power', preferring the view of the renowned professor of international law, Verdross: by the term 'a state-forming people' is meant a complete union of people permanently united and subject to the sovereignty of their state. In the light of this, it would be impossible for one part of the nation to be given recognition as a complete state, or for the legislation of either to be reckoned as permanently valid.

As regards the executive, the author insists that the seat of power, the government, although possessing power in the

([18]) A. Arndt, *Der Deutsche Staat als Rechtsproblem*, Berlin, W. de Gruyter, 1960, 46 S., 6.80 DM.

state, is not to be identified as the supreme power of the state. The claim to be a state is, in international law, dependent on relations with other states, the key-word being *sovereignty*. For the notion of the state in international law, an essential criterion is, self-government defined as sovereignty. It is thus erroneous to recognize a western or eastern part of Germany as having self-government in the sense of sovereignty as understood in international law. Germany's present condition is a sorry sign of residual 'presence'.

For the two-state theory to work, two things are essential: mutual respect of sovereignty and non-interference. After the Moscow Treaty, reunion can only take place by permission of the Soviet. On the other hand, reunion, it is declared, is a matter for the two parts of Germany to settle between them: it is their concern.

In the light of the 'presence' theory, Germany, which as a state includes the whole of the German nation, is 'present', and this 'presence' is also valid for the population between the Elbe and the Oder. The authorities in the eastern zone exercise supreme power over one part of Germany, but it is a form of supreme power that is not recognized by federal legislation. There is no such thing as a new state called DDR, but it is also true that in the Federal Republic no new state was founded by federal legislation: it was amove to put one's house in order, that is all (Heuss).

Berlin is described as the prototype of Germany's present situation. Berlin stands for the restricted sovereignty of the whole German nation. It symbolizes a unity that is real and worth defending, though still incomplete. Finally, the author puts a sober question: whether the 'presence' theory still possesses a sufficient degree of reality for it to be true to say that wherever the German nation is, its will is incarnate in the sovereign power that issues from it.

If it could positively be stated that there is sufficient sovereign power to be effective, it would mean that without the active consent of the German people no decisions could be taken affecting the state, or against the state, by foreign powers exclusively. Arndt situates the crisis in the fact that statecon-

sciousness is diminishing all the time. If there is any prospect at all of Germany being reunited, this decline, this tendency for Federal-Republic state-consciousness to submerge the other, would have to be halted.

III

In the two following works, state-consciousness and the state are only touched upon. Spaemann attempts to prove that sociology was born of the spirit of the French Restoration. Hughes describes the evolution of sociological ideas in the period 1890-1930.

Spaemann ([19]) begins with philosophy which became a problem at the time of the French Revolution for the first time since the Church Fathers. Philosophical thought and practical teaching start from the fact of speech. Speech reveals the mysterious inter-relation of mind and body, the *word* reveals the dialectical unity of the inner life and the outside world. Speech is essentially social and fosters the continuity of society. Through speech, ideas, which are only potentialities in the mind, emerge into consciousness. The mind becomes objective and it is in the process of attaining this objectivity that the subjective mind is manifest. Ideas are native not to man but to society. It is the function of philosophy to provide a theory of society. Society is the form of absolute duration. It is in society that man has his being. As *Volonté civile* it is the true natural condition, and it is only truly realized where there is a supernatural revealed religion, that is to say in Christian Europe. The will to endow society with duration is the *volonté générale,* a useful concept for providing this philosophy of society with metaphysical anchorage.

The general will can only exist in society, which alone possesses the power to give it reality. This power cannot be the people; and if it is to create unity among the people and exclude

([19]) R. Spaemann, *Der Ursprung der Soziologie aus dem Geist der Restauration.* (Studien über L. G. A. de Bonald) München, Kösel Verlag, 1959, 211 S., 18.50 DM.

all private power of man over man, it must necessarily be single in the physical unity of a real person backed by the physical unity of a ruling family.

Obviously, Bonald is bound to reject the sovereignty of the people. The word sovereign can only apply to a will that understands 'necessity' as the preservation of society, that is, the *volonté générale,* in substance the will of God whose minister the monarch is.

The division of powers, as Montesquieu conceived it, is in Bonald's view a dangerous fiction. There is indeed a division of the functions of power, which is only practicable, however, when power is seen in its essential unity.

After the *volonté générale* follows a definition of legitimacy. The legitimate condition of society is Christianity applied to the social condition.

Bonald's conception of the state corresponds to the Stagirite's, though he differs from Aristotle as to what is the best form of state, admitting only one: monarchy.

The main portion of his philosophy of society consists of a philosophy of religion. God is necessary for society. Society is only possible as a society of God and man. God is a constituent element of it. Thus religion is the social condition as such. The notion of God is derived solely from the function of society; and here we are only one remove from Dürkheim's definition of God as an enlightened society seen as symbolic. Comte's master, Saint Simon, had read Bonald; instead of Bonald's God as principle of unity, he prefers a notion of universal gravitation while Comte takes the great Being, God, as symbol for humanity in its totality. Thus Saint Simon points the way to universal science and Comte to sociology. Bonald was a Catholic but his philosophical ideas are more like positivistic functionalism. He is among the pundits of the modern French movement which has achieved an alliance between positivism and catholicism.

It is from the structure of society that Bonald deduces that the all-embracing order of being is the only order for society. This, the author of this article declares, establishes him as the founder of sociology, a sociology that was primarily metaphys-

ical. But in fact Bonald defines the order of being exclusively from its function of providing society with duration. As Bonald defines truth in terms of its reality, and philosophy merely as the means to selfpreservation of man in society, religion and metaphysics are thus turned into sociology.

One of the most urgent problems that had to be faced in the 1890-1930 period was the problem of consciousness, and this is the subject of Hughes' ([20]) survey. At that time there was widespread awareness of the discrepancy between external reality and its evaluation in the minds of men. A new layer of consciousness was discovered, wedged in between the two, a half-way stage of reflection concerned with the cognizance of facts.

Though it entailed an additional remove from reality, the conviction remained that this form of mental registration resulted in an increase of consciousness. In fact, it reduced some scholars to a state of utter doubt and turned them anti-intellectual. This opened the door to irrationality. It was welcomed, and sociology and social psychology were understood to be founded upon the subconscious. Meanwhile, other thinkers tried to salvage the rational by producing a new definition of man, who was no longer to be seen solely as a logical, calculating being.

Hughes' work is essentially a history of ideas on the nature of society. But it gives prominence to the authors of these ideas: Sigmund Freud, Max Weber and Croce. Dürkheim is also placed among the great, though his cast of mind was immune to reality, and Pareto, about whom very contrary opinions are current; and finally Bergson, Sorel and C. G. Jung. To all of whom Hughes ascribes world-wide influence. Gaetano Mosca, Friedrich Meinecke, Ernst Troeltsch, and Charles Péguy are also quoted, and there are references to less important thinkers like Julien Benda, Alain, Dilthey, Gramsci, Spengler, Ludwig Wittgenstein, Karl Mannheim. Illustrations and examples are taken

([20]) H. S. HUGHES, *Consciousness and Society* (The Reorientation of European Social Thought, 1890-1930) London, MacGibbon & Kee, 1959, 433-XV p., 30 sh.

from the works of writers like Alain Fournier, Gide, Marcel Proust, Thomas Mann, Hermann Hesse and Luigi Pirandello.

The author constantly returns to the subject of human nature and what man is; dwelling on the question of how man came to a knowledge of what pertains to a society, and on the problem of the origin of human activity and the criteria needed to understand it. He holds it is basically impossible to explain human behaviour solely from a naturalistic angle. He is at one, he feels, with the writers of the *Aufklärung* in their attitude of enlightened scepticism. He openly expresses dislike of positivism, but admits that he more than tolerates the intuitive irrational road to knowledge.

It is from the angle of the recent post-war period that he evaluates the 1890 generation, seeing in it a first attempt at adaptation to a new conception of reality. And indeed, reality could no longer be understood as merely a rational system of order. The conclusion was that previous conceptions were inadequate: consciousness now became problematical, though it was the one link between man with his understanding, and the social-historical world.

It was not an inter-connected whole that reality offered the observer; in its narrower sense it seemed to be attainable only via society, which plays an intermediary role between man and reality in general, through its participation in both. After 1920, having found wide acceptance in Germany, France and Italy, this attitude to consciousness became more and more current. It was much in evidence when the second world war broke out and the psycho-analytical version of human motivation became prevalent in the fields of both social science and historical research. It made great headway in literature too. The so-called realistic presentation of life, derived from positivism, was discredited.

It was all part of the reaction against positivism, though belief in the methods of practical science was maintained, and it pointed to a revival of the idealistic school of thought, though rejecting belief in the eternal character of spiritual values. Its clearest expression was in pragmatism.

The question of their rationality is the criterion for judging

which elements of the intellectual life of the period are transitory and which have permanent value. Reason remains as the sole means of testing this and reaching a decision, however much validity may still be attributed to intuition, free association and various unorthodox methods.

Bergson and Sorel finally yielded to a sort of social mysticism. Freud, who began with mechanistic theories, gave rein in later life to imaginative speculations of all kinds. Pareto never really understood that values meant anything more than a residuum category. He never learnt to appreciate that a coherent system of values has nothing specific to do with human folly; Croce, who towards the end of his life was aware of this, excluded from the field of historical studies the whole sphere of irrational human behaviour.

Paradoxically, Croce and Freud, in later life, were more esteemed as writers than as scientists. By the time they died, literature and the social sciences had parted company. Max Weber alone held to his conviction that both, reason and irrationality, are necessary to an understanding of the human world. If, as he says, reality is dominated by irrationality, it can still only be apprehended by way of a rational approach. For a brief period of ten or twenty years, Max Weber and his generation endeavoured to keep reason and emotionally-determined values in precarious equilibrium; it is hardly surprising that they fell apart so soon.

Recapitulation

As Eduard Spranger once remarked, 'People always experience the slice of time which is their 'present' as crisis. However rich in troubles the past may have been, it is at least unequivocally over and done with, and probably quite out-of-date. Whereas the future is still unsettled, no one knows whether it will take a turn for the worse or the better' ([21]).

([21]) E. Spranger, *Leben wir in einer Kulturkrisis ?* (do we live in a culture crisis ?), in *Sinn und Sein* (Ein philosophisches Symposion) Publ. by R. Wisser, Tübingen, 1960, 762 p.

But the crisis of the state is more deeply linked to man, his mind and spirit, than that implies. It is a crisis that has made man sick in his consciousness. For surely a consciousness is sick when it no longer corresponds to reality: and this includes subjective just as much as objective consciousness precipitated in the spoken or written word, in the written constitution and in written law.

Del Vecchio intimated it: crisis is noticeable where the trend towards a world-state, which is an imminent trend inherent in the very nature of man, is confronted with the heresy of inflated nationalism; where the state is declared to be the maker of justice when it is nothing of the sort; where the legislative function of individuals and groups is suppressed along with all its rights, rights rooted in nature; suppressed as though these rights were non-existent. At this point, reality and consciousness split apart. Equally so, when consciousness, as precipitated in the constitution, no longer corresponds to existing conditions; and when the terminology relative to the state is at loggerheads with reality; when word and meaning part company (Schätzel, Imboden, Otto von Habsburg). Also, when weakened state-consciousness cannot but be a threat to the existence of the state, though an essential element of it (Arndt). And finally, when one of the powers of the state is accorded paramount importance, far in excess of what is justifiable, and overflows its logical bounds (Imboden, Werner).

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